SENATE—*Monday, March 12, 1984*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Praise ye the Lord. Praise God in His sanctuary: praise Him in the firmament of His power.

Praise Him for His mighty acts: praise Him according to His excellent greatness.

Praise Him with the sound of the trumpet: praise Him with the psaltery and harp.

Praise Him with the timbrel and dance: praise Him with stringed instruments and organs.

Praise Him upon the loud cymbals: praise Him upon the High sounding cymbals.

Let everything that hath breath praise the Lord. Praise ye the Lord.—Psalm 150.

Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

(Mr. DANFORTH assumed the chair.)

SENATE SCHEDULE

Mr. BAKER. Mr. President, it might be well to restate the program for today which was placed in the RECORD as the last item of business on Thursday.

First of all, Members will recall that the Senate, as we usually do at the end of the week, adjourned rather than recessed on Thursday, so this is a new legislative day. However, on Thursday we entered a unanimous-consent order that provided that the usual preliminaries pursuant to an adjournment would be dispensed with, and they included the reading of the Journal, and that order also provided that no resolution could come over under the rule, provided that the call of the calendar would be dispensed with, and provided also that the morning hour be deemed to have expired, which has procedural significance that most Members will recognize.

Mr. President, after the two leaders are recognized under the standing order this morning, special orders have been granted in favor of two Senators, Senators PROXMIRE and INOUYE, to be followed by a period for the transaction of routine morning business for not more than 1 hour in length in which Senators may speak for not more than 10 minutes each.

Mr. President, that means then that sometime probably at 1:30 or thereabouts the Senate will resume consideration of the unfinished business, which is Senate Joint Resolution 73, the prayer amendment.

Mr. President, the Senate today enters its second week of debate on that resolution. I began the debate by announcing my sponsorship of the same resolution which was approved by the Senate in 1970, which was the Dirksen prayer amendment, essentially. The Committee on the Judiciary reported a slightly different amendment with an accompanying committee amendment.

Mr. President, since that time there have been a number of meetings by Members away from the floor of the Senate—I started to say private meetings, but these were reported so lavishy in the press that I think they would not deserve the description of private meetings—in an effort to see if there was a body of agreed language that might be offered in some manner under the rules of the Senate that would hasten our consideration of this matter and appeal to a majority of the Senate in the constitutional sense, which requires two-thirds of the quorum of the Senators present to approve a constitutional amendment and send it to the House of Representatives.

But I have reached the place, Mr. President, where, having spent a week on general debate, if I may be so generous as to so characterize it, that we may waste more time trying to compromise than we would trying to deal with the issue at hand.

I am reminded that we now, in general terms, have the issue of vocal versus silent prayer. There is an amendment for each, for vocal or silent prayer as an option, which is the essence of another proposal. There are amendments dealing with equal access for religious groups, as well as secular groups in public places, particularly public schools. There is a proviso currently being discussed about setting aside separate and equivalent accommodations for silent meditation or prayer, as well as vocal prayer. And there are reformulations of a constitutional amendment dealing with this issue, such as that proposed by Senator GORTON, which is elegant in its sparcity of language and appeals to the constitutional senses, perhaps, as much as anything that we have seen.

But my point, Mr. President, is that we still have a number of laudable, worthwhile, serious, and important variations on this theme that have not yet been fully ventilated and on which there is not yet general agreement within the Senate. There are no doubt other, perhaps dozens of other amendments that may be offered at one time or another. And may I urge Senators now to do as I have tried to do this week, and that is, as a serious proposal is put forward, put it in the RECORD so other Senators can read it, their staffs can examine it, and constitutional experts and others around the country may understand it.

We no longer automatically print amendments, even if they are offered for printing, which was a wise decision since we were threatened with an inundation of paperwork. But it is entirely appropriate to put such thoughts, such proposed amendments, in the RECORD so that members can examine them. And I urge Senators to do that. Senator GORTON did that on Thursday, I have done it previously, and I encourage other Members to do the same.

Mr. President, all of these observations are in preparation for saying that I am where I was when I began. I am not seeking a religious advantage for any group. I am not trying to establish a religion. I am simply trying to make the state neutral in matters of religion, especially in our public schools.

I have no pride of authorship in anything that I have proposed. I am not going to embrace quickly any proposal until I have had time to hear it and examine it and to observe the debate.

But, Mr. President, at some point the Senate must do its business, because the Constitution enjoins on us the heavy positive responsibility of dealing with issues of this sort no matter how emotional—and, by the way, and parenthetically, I said at the beginning I wanted to try to deemotionalize this debate. I think I did so in spades. As a matter of fact, there were few speakers last week. We did not have many takers. So we have accomplished that, anyway.

But, Mr. President, I do not propose to try to cut off any Senator. The leadership on this side does not pro-

pose to file for cloture as long as we are doing important and significant business; that is, as long as we are going about the business of considering, examining, and voting on amendments. There will be no effort by the leadership on this side to cut off those amendments. I may vote against them, there may be a motion to table, or whatever, but my point is that the leadership on this side has—and, incidentally, I would almost bet I speak for the leadership on both sides when I say that there is no desire to cut off any Senator who wishes to contribute to this important debate.

The minority leader, of course, will speak for himself.

Mr. President, my goal is to get on with the business at hand, to try to work our way through the amendment process. While it may not be likely that we could put together agreed language, one thing is for sure: the Founding Fathers were inspired indeed when they provided that we would work our will under the Constitution of the United States, even in matters affecting that Constitution.

While negotiations may be endless, the Senate will sooner or later produce a product.

So, Mr. President, I hope Members will go forward with their amendments and we can get votes on them. I am willing to provide whatever time, within reason, indeed, necessary to make sure that we examine all proposals regarding a constitutional amendment, and finally reach the place where the Senate may speak with one voice and work its will on this matter.

Mr. President, I had the opportunity to discuss these matters on the telephone with the distinguished Senator from Connecticut (Mr. WEICKER), and with the distinguished occupant of the Chair (Mr. DANFORTH). So they are not taken by surprise by anything I have said.

Once again, what I would propose to do is to forbear on the cloture motion even though we are in our second week of debate, if we can get on with the business of amendment in order that the Senate may work its will on this issue. There is no desire on the part of the leadership to speed this thing up unduly or to act with great haste on this issue, an issue that must be dealt with carefully.

I believe we will be all week on this matter. I suppose that will be the case. If we have to go into next week, we will go into next week.

Mr. President, that is my situation today. I thought I might explain that point of view to Members at the beginning of this day's session.

Mr. President, I am afraid I may have gone over my time under the standing order. If I have, I apologize to the minority leader and the Senate.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

The majority leader did not transgress on my rights in any way. I am certain that all of us are interested in his comments with respect to the work for the rest of the week. We thank him.

A LONG DAY'S JOURNEY INTO LIGHT

Mr. BYRD. Mr. President, the March 12 edition of the Washington Post contains a very informative article on the state of the coal industry in southern West Virginia and Virginia. The article is entitled, "Area Coal Country Faces Long Day's Journey Into Light."

In a clear and straightforward manner, the article describes the economic forces that affect the coal industry and the communities that depend upon the industry. In particular, the article discusses the tremendous competitive pressures that control the price and production of coal—including the existence of foreign suppliers, the level of transportation rates, and the high value of the American dollar as compared to other currencies.

The author of the article concludes that the coal industry has a long way to go before it returns to prosperity. As an extractive, raw material industry, coal always lags behind any economic improvement that occurs in the general economy. Some of the coal operators forced out of business in the past 3 years will be unable to come back even if conditions improve. They are primarily the smaller, independent producers.

I hope that my colleagues will read the article, as it provides some helpful insights into the workings of this critical basic industry.

I ask unanimous consent that the article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 12, 1984]

AREA COAL COUNTRY FACES LONG DAY'S JOURNEY INTO LIGHT

(By John M. Berry)

NORTON, VA.—The Eastern coal industry has begun a long, slow climb out of the recession depths it hit last year, but some parts of it may never be the same again.

Here in southwestern Virginia, where in several counties coal completely dominates the economy, many mines are still working only two or three days a week or are shut down entirely. Much of the coal mined is destined for export or for making coke for the steel industry, and both markets remain deeply depressed.

Demand for steam coal for electric utilities is stirring again, but many of the inquiries coming in are from utility buyers seeking six- or nine-month deals to carry them past a possible United Mine Workers strike when the current contract expires Oct. 1.

Unemployment rates in the seven Virginia coal counties still range upward to nearly 19 percent, and some local officials say the true figures are higher because some unemployed workers have simply stopped looking for jobs that are not there. The statewide figure for January was only 6 percent.

In nearby West Virginia, which was even harder hit by mine layoffs last year, the picture is much the same. Employment gains have been larger, but jobless rates in two coal counties, Wyoming and McDowell, were nearly 23 percent in January.

The National Coal Association predicted last month that U.S. coal exports, which fell sharply last year, probably won't regain their 1982 level of 105 million tons until well into the 1990s. Even then, exports of the metallurgical, or "met," coal, which is used principally in the steel-making process and is the staple of this area, are expected to be lower than in 1982.

About half of 1982 coal exports—52 million tons—moved through Norfolk and other Virginia ports. Last year, such exports through Virginia ports dropped by one-third, to about 35 million tons, under the combined weight of the recession in Europe; increased competition from South African, Polish and Australian coal; higher rail transportation charges, and an extraordinarily high value for the U.S. dollar on foreign exchange markets.

Executives of coal companies in the region, confronted by foreign buyers with threats to buy elsewhere unless prices are lowered, are gloomy about export prospects. They can do little about the value of the dollar or the rail charges, which are now completely deregulated.

And as A. Denny Ellerman, executive vice president of the National Coal Association notes, the price of coal loaded for shipment at the mine is already lower in real terms than it was in 1976.

Some "met" coal prices have fallen between $7 and $12 a ton in the past year to the $35-to-$40 range, depending on the quality of the coal.

"The tonnage is down and on top of that the price is going down," says Eustice Frederick, a senior vice president of Consolidation Coal Co., who oversees mines employing about 2,000 people, less than half the normal Consol work force in the southern Appalachian region.

"Last year was supposed to be the 'survival' year. Get through '83 and it was supposed to get better. Well, I've seen ups and downs but nothing this dramatic. I've never seen both tonnage and prices fall at the same time," he says. "A lot of the smaller operators are waiting it out or they have gone broke. There are a lot of Chapter 11 [bankruptcy] sales around here."

Other parts of Consol's West Virginia operations, in the northwestern part of the state, produce steam coal for utilities rather than "met" coal, and their production is picking up, company officials say. But the outlook for "met" coal is no better than flat.

Consol's Bishop mine, a 1-million-ton-a-year operation that is its only one in Virginia, is shut down. Another is under development, but there currently is no market for its output, either.

In 1982, West Virginia mines trailed only those of Kentucky in bituminous coal output, producing nearly 130 million tons. Virginia ranked fifth that year, with just over 40 million tons.

Last year, Virginia production fell to between 33 million and 35 million tons, the state's Division of Mines and Quarries estimates, and current levels of production are probably lower than that. Only 634 coal mine licenses have been issued so far this year, down from more than 1,000 in 1982, says Harry Childress of the division's Big Stone Gap Office.

Many of the closed mines are small operations whose owners don't have the size or resources of a Consol—a subsidiary of Conoco that in turn is owned by DuPont—and therefore cannot wait out a depressed market.

"You know the small mines are going out," says Michael Quillen, president of Paramount Mining Corp., a former private company now largely owned by W.R. Grace & Co. and Hanna Mining Corp. "It's still a very serious situation here. Most people outside the area are not aware of how bad it is."

Quillen says some mines are again working a full five-day week, including those of Paramount, which employs about 475 people. But that is down from about 600 in 1982, and there is little prospect of any recalls, as a sign at the entrance of Paramount's offices outside this town warns visitors.

The companies that are doing the best in Virginia are those, like Paramount and Westmoreland Coal Co., that in recent years have been able to switch their production emphasis from metallurgical to steam coal. In the last two years, Quillen says, Paramount went from a 65-to-35 split favoring the higher-priced, higher-energy-content "met" coal to a 65-to-35 split favoring steam coal.

"Met coal had always been the most profitable, and we mined the steam coal primarily for cash flow. But the export market for 'met' became so competitive that we just could not compete. We realized that we had to cover more of our fixed costs with utility contracts for steam coal," Quillen says.

Philadelphia-based Westmoreland has made a similar switch over the last seven years, according to spokesman Steve Anderson. Seventy percent of Westmoreland's output used to be "met" coal; now it's 80 percent steam and, bucking the region's trend, production actually rose slightly last year compared with 1982.

The steady payroll of Westmoreland, which employs about 1,700 people at 14 mines in Virginia, including the Bullitt Mine near Appalachia, has propped up the entire economy of that corner of Wise County.

Farther north in towns such as Pound, the squeeze has been severe, while Appalachia and nearby Big Stone Gap have been hurt much less.

B.J. Dotson, president of the Big Stone Gap Bank and Trust Co. and head of Dotson Chevrolet, says, "Basically, how the coal industry goes, so goes the area. Westmoreland has done well and we've had very few layoffs around Big Stone Gap."

As a consequence, sales at his own car dealership did not take a nose dive during the recession, Dotson points out "I don't mean to say it has been great. It just has not fluctuated like it did nationally," he says.

Not every company has the option to switch from producing 'met' coal to steam coal because of the nature of their coal reserves. Consol's holdings in the area are almost entirely the hgher-quality 'met' coal, which carries a premium price because of its higher energy content. It is regarded by its partisans as the "highest quality coal in the world."

However, utilities won't pay that premium to use it in their boilers and coal companies generally aren't willing to take the loss associated with selling it for that use. Of course, some slightly lower grades of coal can be sold for either use depending on market conditions.

Farther east, in Richlands in Tazewell County, Vernon Reed, chairman of the Virginia Coal Council, also talks gloomily about market prospects. Several years ago, when the world's steel industry was booming, there were sales of Virginia "met" coal on the spot market at more than $80 a ton, he recalls. Now steel is a worldwide disaster, batteries of coke ovens needing "met" coal have been closed because of falling demand and environmental regulations, and former foreign customers have found other suppliers.

"I know one fellow selling coal to Japan for $29.50 a ton," says Reed. "He's selling other coal at higher prices, but he's doing that to kick out a few extra tons. Get 10 people doing that and you've got trouble."

The problem is that coal in Virginia and nearby West Virginia is not cheap to mine. Reed says the average coal seam in the area is only 34 inches high, and it can be expensive to extract.

To cut costs, many Japanese buyers turned to lower grades of coal, particularly from Australia and British Columbia, where they invested in the mines.

"Some of those tons that were loss, it's unlikely they will ever be replaced," Reed says. He cites the example of United Coal Co. of Bristol, Va. which recently dropped a contract with a foreign buyer. "The said they couldn't afford any longer to take the lost."

Reed believes that "down the road, we may have to seek different markets" for the high-quality 'met' coal, perhaps, with utilities—for use in new boilers specifically designed to use the higher-energy-content coal—or in other industries. His organization plans a conference on the subject later this year.

A common thread running through all conversations with coal men in the region is anger at the railroads serving the area, Norfolk Southern and the CSX lines. Rates for carrying coal from the area to Norfolk or Hampton Roads and loading it on board a ship generally are about $15 a ton, and the rail lines have refused to cut them in order to try to boost foreign sales.

"The railroads said reducing the rate may not improve the volume. Maybe they are half right," shrugs Reed. "But the coal companies feel they can't continue to take the burden of the full cut in prices."

Says Consol's Frederick, "Somewhere along the way, the railroads have to get the message that we are selling coal under a total price concept" and that a foreign buyer is concerned only with the price he pays for coal delivered where he needs it.

For their part, the railroads maintain their prices are reasonable. Last June, when the Interstate Commerce Commission deregulated rates for carrying coal intended for export, it argued. "The railroads will not be able to price export coal beyond the reach of foreign countries except at ruinous cost to themselves. Because we expect the carriers to act rationally, it simply is not reasonable to forecast a decrease in the amount of coal exported as a result of this exemption."

The National Coal Association's Ellerman says his group's coal demand forecast assumes that a substantial number of the nuclear-powered electric generating plants now nearing completion will come on line during the remainder of the decade, but that, after 1990, most new generating plants will be coal fired. Meanwhile, foreign demand for steam coal will continue to rise, too.

"It's hard to forecast U.S. exports because we really are the residual supplier in that market," Ellerman observes. "In a sense, we are like OPEC. The price of coal out of Norfolk does what the price of Saudi crude out of Ras Tanura does." That is, if another exporter can beat the Norfolk price, he can sell his coal and the U.S. coal industry has to absorb the drop in demand.

South Africa and certainly Poland can undercut the United States in the European market, while a huge mine complex being developed in Colombia by Exxon Corp. will soon be a major new factor.

"Colombia can take over as much of the market as they want," Ellerman says.

An economist by training, Ellerman points out that the industry's real problem is an excess of capacity worldwide. During the 1960s, the industry was "dying" and production capacity shrinking. As a result, prices began to rise and then quadrupled in the wake of the oil price surge in 1974. That year, coal prices on the spot market soared and then were built into the industry's wage structure in the UMW contract negotiated that year.

In addition, new environmental and safety regulations forced the industry to internalize some costs that it had not borne in the past.

Despite the increase in production costs, there were still substantial profits to be made. New investment poured into coal, often from companies and individuals who had no previous association with the industry. Some of the investors brought with them better management tools and new ideas, and grabbed market share away from the old-line companies.

"The newer entrants are knocking out other companies, and there is a lot of turmoil in the industry. The newer mines are more willing to commit production for longer periods and are more willing to vary quantities" in line with the buyers' needs, Ellerman says.

Today, there is a 15 percent to 20 percent excess production capacity that simply rules out any real price increase, he believes.

"You can't fund an industry that is more competitive, and there is no shortage of coal reserves to mine. We may have continuing declines in real prices, or constant real prices," he predicts. "The spot market may never revive."

That blunt talk about excess capacity, competition and price prospects is vividly reflected in the continuing economic problems in this part of Virginia. Not only are coal's woes hurting the area, but the very presence of coal makes it all but impossible to bring in other sources of jobs.

Paramount Mining's Quillen is also head of the Duffield Development Authority, a three-county cooperative effort to create an industrial park in Duffield in Scott County. The only companies in the park so far, he says, are coal-related.

Even companies making products for or selling to the industry prefer to locate outside the mountainous coal field area—say around Bristol or Abingdon—where interstate highways are close at hand and flat land does not command astronomical prices. In addition, wage rates for many skilled workers are not influenced by the scales set in the UMW contract. And good housing is scarce, particularly for well-paid executives.

"We are a most restricted, one-source economy, and we're in a struggle down here," Quillen declares.

Adds Vermon Reed, "There are proud people around here, and they are fairly resourceful. But everything is coal or coal-related. If coal doesn't prosper, no business can do well."

Prosperity for coal, at least in Virginia and southern West Virginia, looks to be a long way off.

Mr BYRD. Mr. President, does my colleague from Wisconsin require any additional time?

He indicates he does not desire additional time.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

WHAT IS WRONG WITH PRAYER IN THE PUBLIC SCHOOLS?

Mr. PROXMIRE. Mr. President, why not permit prayer in the public schools? Note that I ask why not "permit"—not mandate, not order, not require, but "permit." If children want to say grace at meal time at school, why not let them? If the principle decides to open school convocation with the request that the children bow their heads for a minute of silent prayer, what is wrong with that? If a teacher decides to let each child who wishes to do so to lead the class—one child, one prayer each day—for a minute, will this hurt our society? As one who attended a boarding high school for 5 years in which there was compulsory attendance at each meal—three meals a day with a prayer delivered by the headmaster or a senior teacher, as one who was required to attend chapel every single night of the week at that high school—7 days per week and twice on Sunday—and as one of the very few Catholics who was attending that school where every prayer was delivered by a Protestant, I can tell you that I still cherish those prayers and I never heard a prayer left the shadow of a whisper of a scar on my childish psyche. Lots of other things did. At high school there was a full share of bullying and teasing and of the usual childish cruelty that all of us suffer at one time or another in school. But prayer—a bad influence? You have to be kidding. Every prayer I have ever heard from whatever source has been good for my soul. After all what do prayers do? They talk to our conscience. And what do they tell us? They tell us to be kind and gentle and loving. They teach us to help others. They teach us to forgive our enemies, and to try to understand those who disagree with us. I have yet to hear a prayer that urged violence or hatred or cruelty or that demeaned or belittled another group.

Now I do not argue that prayer in school will restore the character of Americans. It will probably have little, if any, effect on drug or alcohol addition in schools. Its effect in reducing hatred, cruelty, and discrimination and intolerance may be slight. But if only a small proportion of our children hear a prayer, that makes their consciences a little more tender. If just a few learn the joy of forgetting self and helping others, if the tolerance level improves just a touch, we will be a better country.

And these are some of the positive benefits of prayer. There are others. If praying has evil or harmful consequences, I would like to hear what they are.

Mr. President, in the course of this debate there has been much talk of the constitutionality of permitting prayer in the public schools. Why do opponents of permitting school prayer argue that it is unconstitutional? They base their argument on a Supreme Court decision. They contend that the Constitution is whatever the Supreme Court at any time says it is. Certainly the Court deserves our attention and respect. But if ever there were a body whose opinion is subject to change it is the Court, and if ever there were a document subject to change it is the Constitution. The Founding Fathers were exceedingly wise. But they would be among the first to agree that they were not infallible. They provided that the Congress and the State legislatures could amend the Constitution.

Over the years elected Federal and State legislators have done exactly that a number of times, often greatly improving the Constitution in the process.

Would anyone argue that we did not immensely improve on the work of the Founding Fathers by amending the Constitution to outlaw slavery?

Would an amendment to permit—and again I stress "permit"—school prayer improve or demean the Constitution? Mr. President, the very heart of our Constitution is the guarantee of freedom for Americans, especially the freedom of expression.

Certainly, our communities should be free, if they wish to do so, to provide communication through prayer in our public schools. The constitutional amendment would still leave a series of very tough obstacles in the path of those who wish school prayer.

Individual States may wish to prohibit prayer in the public schools as Wisconsin has done for more than 100 years. Even if the States permit prayer, the decision would still be a local decision. The community or the individual school could say yes or no. And finally, if the Federal Government passes the proposed amendment and the States permit prayer in the schools and the local community decides they want to go ahead with prayer and the school principle and school board affirms the decision, the final decision would be up to the children to attend or join in the voluntary prayer or silent prayer.

Certainly, Mr. President, in a country that cherishes freedom and especially freedom of expression above all, we should not have the Federal Government butting into every community in America to deny the right to exercise what to many Americans is the most fundamental freedom of all—the right to provide community prayer—freely and voluntarily.

LET US GET SERIOUS ABOUT PROLIFERATION OF NUCLEAR WEAPONS

Mr. PROXMIRE. Mr. President, in the New York Times of November 26, 1983, Daniel Poneman, who wrote "Nuclear Power in the Developing World," criticizes President Reagan for weakening America's ability to slow the spread of nuclear weapons to other countries. Poneman contends the President should "discriminate"; that is, not provide nuclear materials or equipment to countries that:

First, reject nonproliferation accords;

Second, assert the right to conduct peaceful nuclear explosions; and

Third, covertly pursue programs to acquire nuclear weapons material.

In this Senator's judgment, such mild restraint is much too little. Let us face it. Nuclear war or nuclear terrorists' activities represent the most serious threat this old world has ever confronted. We have virtually ignored this threat. We have acted as if a planned, premeditated attack by the U.S.S.R were the only real nuclear threat. It is not. Far from it. What is the most likely way a nuclear war will start? Think about it. If we step back, take a deep breath and think about it, the most unlikely—I said unlikely, least likely—initiation of a nuclear war is a planned, premeditated first strike by either superpower against the other. If the Soviet Union should attack this country with nuclear weapons, we could and almost certainly would promptly obliterate them. Both countries would be dead. Both would lose. They know it. We know it. The odds that it will not happen are overwhelming.

The chances that a nuclear war might come from an error—a computer error, a human mistake—are more likely, but the odds are against that kind of accident, too. And yet there is a better than even chance that, some time in the next 10 or 20 years, a nuclear war will break out, and once it does, no matter how it breaks out, it will be very hard, indeed, to stop until civilization is entirely destroyed.

If neither superpower starts such a war how could it begin? Simple. At this moment, six countries—the two superpowers, England, France, China, India—and maybe a seventh—Israel—have the power to wage nuclear war. Five or six others are hard at work developing the nuclear war-making capacity. And within a few years, others may get into the race for nuclear weapons. With all this in mind, consider what a ridiculous posture we have pushed ourselves into. By far the least likely prospect of nuclear war comes from a planned, premediated attack from the Soviet Union, and yet virtually all our efforts to stop nuclear war go into preventing this single and least likely cause of nuclear war.

The next least likely nuclear war threat comes from a nuclear accident, and we are moving to reduce that threat too. The Defense Department assures us that, at least on our side, it will not happen. But with hundreds of fallible human beings so close to the nuclear trigger and with reliance on computers and other mechanical contrivances that can and do malfunction, we need every bit of fail-safe protection we can get. In all fairness, our Defense Department and the President are well aware of this problem and have worked to provide us with systems that cannot absolutely guarantee that there will be no war by accident, and they have devoted time and resources to substantially reduce that risk.

That leaves nuclear proliferation as the prime threat to our country. If that makes you breathe more easily, it should not. Indeed, if the risk of nuclear attack by the Soviet Union is one in a hundred, the risk of a nuclear war developing over the next several years from Iran or Libya or Argentina or South Africa or some other relatively small country is better than ever. And here is why our policy of selling nuclear equipment and materials to other countries is so outrageously dangerous. It is criminal. Mr. President, can you think of a worse crime than promoting the most likely threat of nuclear war?

This is not a time for a pussycat, pantywaist attack on proliferation. Here is one area where we do not have to concern ourselves with Soviet cooperation. The Soviets in this one respect have behaved with far greater restraint and wisdom than have we. And for obvious reasons. Do they want to provide nuclear arms to their own Communist world? Are you kidding? They certainly do not want to aid and abet the nuclear arsenal of Red China. Even less do they wish to give the East German Government or the Hungarian or Polish Government the means to equalize a Russian attack aimed at keeping their puppets in line. We may not like those Russian motives for stopping nuclear proliferation behind the Iron Curtain, but we certainly should like the results.

Now, on the other hand, what are we doing to stop the spread of nuclear arms in the non-Communist world? Answer: nothing. In fact we are promoting it. Poneman simply calls on us to stop the promotion. I would go much farther. I would have this country not only refuse to provide any nuclear materials or equipment to any country that failed to agree to the nuclear nonproliferation treaty, but I would have us stop all trade—that is right, all trade—at once with any other country that sold nuclear materials or equipment to any country that refused to sign the nonproliferation treaty. I say that with full knowledge of how far reaching such a proposal would be. Some will ask, is it worth the sacrifice of possibly losing some of our trade—if in return we stop the spread of nuclear weapons? Of course we should. But would such a sanction work? Should we risk losing trade to reduce the risk of destroying civilization? Yes, yes, yes.

Mr. President, this country is the most important trading country on Earth. At this time, trade in nuclear materials and equipment is strictly penny-ante stuff. Given the choice between trade with the United States and selling nuclear equipment or materials, no country now selling nuclear equipment would continue to do so.

Mr. President, I ask unanimous consent that the article to which I have referred by Mr. Peneman be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star, Dec. 5, 1983]

MYOPIC NUCLEAR-EXPORTS POLICY

(By Daniel Poneman)

CAMBRIDGE, MASS.—President Reagan is weakening America's ability to slow the spread of nuclear weapons to other countries. He has allowed nuclear exports to go to the most threatening nations without obtaining in return a single open commitment to foreswear nuclear explosives. This encourages an open season in nuclear trade that could unravel the global consensus against nuclear proliferation.

Argentina, India and South Africa refused to accept international inspection over all their nuclear activities. Yet the administration promised India that if necessary the United States would supply spare parts for the Tarapur atomic power station. It allowed West Germany to send Argentina 143 tons of American-produced heavy water, useful in plutonium production. It authorized American companies to bid on a service contract for a nearly complete South African reactor.

Why? Economically, Reagan wants to support the ailing American nuclear industry. Politically, the administration argues that exports provide leverage that can help prevent trading partners from acquiring nuclear arms.

Neither reason is persuasive. The nuclear industry's economic woes are too great to be solved by pandering to foreign nuclear programs, with grave national security implications for us.

As for leverage, the United States has gained little for its concessions. Some officials hint at hidden provisos, but if they exist they must be weighed against the bad precedent set by the apparent rewards for intransigence. Ultimately, appeasement only encourages Non-Proliferation Treaty parties to follow the pugnacious examples of treaty rejectionists.

The president's myopic policy comes at a particularly bad time. A decade ago, when the atom promised prosperity and energy independence, governments had a vested interest in protecting their nuclear power programs from foreign embargoes.

But Three Mile Island, the global nuclear power moratorium and the stabilization of oil prices shattered the attraction of billion-dollar reactor purchases in debt-ridden nations. Now nations can pursue nuclear arms options without concern for alienating the sellers of unwanted reactors.

Meanwhile, technological capabilities to produce nuclear weapons increase dangerously. India has tested a nuclear explosive. Pakistan is building a uranium enrichment plant. South Africa is already producing enriched uranium.

Argentina has nearly completed a plutonium reprocessing plant and has announced that it too can enrich uranium. Rivalry with Argentina has spurred Brazilian nuclear efforts. Nuclear trade between these and other developing nations could widely promote nuclear weapons capabilities.

Within a few decades, know-how might be so dispered that only self-interest will stand between policial leaders and nuclear weapons. While time remains, Washington should use its technological leverage to obtain strong commitments, and encourage its allies to do the same.

Further, the Non-Proliferation Treaty must be enforced if it is to continue to impose high political costs upon nations that violate its principles.

Discrimination may be the solution. President Jimmy Carter at first generally restricted nuclear exports, even to the Europeans and Japanese. That alienated the allies indispensable to any comprehensive non-proliferation effort.

Though recently he has proposed greater restraint, Reagan generally has allowed nuclear exports, even to those most opposed to non-proliferation efforts.

General policies are clumsy. Since discrimination is unavoidable—one either treats equals differently or unequals similarly — a sound basis for distinguishing among countries is essential. Discriminating between developed and developing countries offends many. But it is reasonable to discriminate against nations that reject non-proliferation accords, assert rights to conduct peaceful nuclear explosions or covertly pursue programs to acquire nuclear weapons material.

This country's 1978 Non-Proliferation Act supports such discrimination. The administration's preference to sidestep the act has prompted the recent package of measures in both House and Senate requiring the president to bar nuclear exports to Argentina, India and South Africa.

It is also reasonable to discriminate in favor of countries that foreswear nuclear weapons. Indeed, Non-Proliferation Treaty parties are legally entitled to "the fullest possible exchange" of nuclear information.

The present indiscriminate nuclear promotion may lead the West's crippled nuclear industries recklessly to sell dangerous technologies abroad to stave off financial failure. That would squander the still-significant technological leverage that can be used to persuade states without nuclear weapons to accept non-proliferation pledges. It could also undermine the Non-Proliferation Treaty, the bulwark of lasting hope against the spread of nuclear arms.

ANTI-SEMITISM: OFFICIAL POLICY OF U.S.S.R.

Mr. PROXMIRE. Mr. President, recently, I received a publication from the Union of Councils for Soviet Jews, entitled "Anti-Semitism:" Official Policy of U.S.S.R.

Their concern rests with an article in the Communist Party's daily paper, Pravda, which officially denounces the entire Jewish community.

The president of the UCSJ said:

The official attack forebodes dangerous times for Jews living in the Soviet Union. And it is clear that the Soviet government is using this latest article to test the Western response. We call for the Western governments to protest this official policy of anti-semitism.

Within the United States today, there exists a sympathetic and essential protest against the oppression of Soviet Jews by their homeland. Unfortunately our diplomats are hindered in assisting this grassroots protest movement. Our hand is weak in dealing with the Soviets.

Mr. President, we have an international climate which firmly underscores the need for the United States to regain the high moral ground in our competition with those who wish us ill. We have yielded this ground all too cavalierly by asserting that our record speaks for itself. It is a luxury that we cannot afford if our diplomats are to speak out, and speak out forcefully, against the repressive actions of closed, totalitarian societies.

The United States should be on the offensive, holding the feet of the Soviet Union to the fire to live up to their pledges on human rights, instead we spend our time apologizing for our record on ratification of human rights treaties.

Why do we continue to supply others with a club with which to beat us?

Ratification of the Genocide Convention, which declares the murder and serious mental or physical harm of a racial, ethnic, or religious group a crime punishable under international law, would allow us to reassert our undeniable commitment to human rights.

In order to effectively reverse the plight of the Soviet Jews, we must come to the negotiating table with "clean hands." Endorsing this treaty will enable us to do so.

FEDERAL HAZARDOUS WASTE DISPOSAL SITES

Mr. PROXMIRE. Mr. President, I am pleased to introduce today a bill that would address the serious dangers posed by unmonitored, uncontrolled Federal hazardous waste disposal sites.

There are 517 uncontrolled hazardous waste sites in this country which are not monitored by the Environmental Protection Agency (EPA). These sites are located in every State and in nearly every congressional district. What makes these potentially dangerous sites different from other hazardous waste sites? All are owned or operated by the Federal Government.

Although the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known Superfund, and other pollution control laws requires uniform compliance by federally and privately owned facilities, procedural noncompliance by Federal sites is rampant. Our own Federal Government knowingly disregards the intent of the Superfund law.

The Department of Justice and EPA have a longstanding blanket policy of never taking court action against noncomplying Federal agencies. Agencies maintaining hazardous waste facilities have no incentive to rectify site deficiencies or negotiate seriously with either agency.

Regulatory authorities have rendered themselves powerless to compel compliance by administrative or judicial action. For example, the EPA and the Department of Defense have a memorandum of understanding releasing EPA from cleanup responsibility for hazardous waste spills on DOD sites. These sites number in the hundreds.

Several examples of Federal facilities releasing hazardous waste because of the lack of compliance with Superfund come to mind. In Tennessee, the Department of Energy's Oak Ridge Laboratory has leaked 2.5 million pounds of toxic mercury into nearby waterways over the past 30 years. Chromium and trichloroethylene have leached into the soil at U.S. Air Force missile plants in Tucson, Ariz., endangering 60 city wells. In Colorado, experts estimate the cost of cleanup from hazardous waste releases at the U.S. Army's Rocky Mountain Arsenal may cost up to $2 billion.

Mr. President, let us not underestimate the severity of this problem. These sites are so dangerous that if they were included on Superfund's national priority list, 40 of the top 100 would be Federal sites.

The potential danger to the American public of these 517 unmonitored Federal hazardous waste sites underscores the need for congressional action. The goals of this legislation are simple and straightforward. Superfund would be amended so that federally owned or operated hazardous waste sites are treated equally with privately owned sites. In addition, the bill establishes a process to insure the effective compliance by Federal sites with Superfund.

Reauthorization of Superfund is soon to be introduced in the Senate. I believe that my bill would complement and enhance this reauthorization by specifically addressing the serious dangers posed by unmonitored, uncontrolled Federal hazardous waste disposal sites. I urge my colleagues to support this effort.

I ask unanimous consent that that will be appropriately referred and that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

APPLICATION OF CERCLA TO FEDERAL AGENCIES

SECTION 1. Section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following at the end thereof: "The Administrator may enter into interagency agreements under section 116 with any such department, agency, or instrumentality. Unless such an interagency agreement is reached within the time periods specified in section 116, in addition to undertaking response action under section 104, the Administrator shall take action under section 106 or under this section against any such department, agency, or instrumentality in the same manner and to the same extent as the Administrator is authorized to take such actions against a nongovernmental entity.".

PROCEDURES APPLICABLE TO FEDERAL AGENCIES

SEC. 2. Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new section at the end thereof:

"PROCEDURES APPLICABLE TO FEDERAL AGENCIES

"SEC. 116. (a) Whenever the Administrator receives notice from any person (including any notice under section 103(a)) of any release or substantial threat of a release (other than a Federally permitted release) of—

"(1) a hazardous substance, or

"(2) any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare,

from a vessel or facility owned or operated by the United States, the Administrator shall immediately publish notice of such release or threatened release in the Federal Register. Promptly following the enactment of this section, the Administrator shall publish notice in the Federal Register of all

such releases or threatened releases from any vessel or facility owned or operated by the United States concerning which the Administrator received notice before the date of the enactment of this section.

"(b) The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket which shall contain each notice published under subsection (a) for a release or threatened release, and notice of each subsequent action taken by the Administrator under this Act with respect to each such release or threatened release. Such docket shall be available for public inspection at reasonable times.

"(c) Immediately following receipt of any notice of a release or threatened release required to be published under subsection (a), the Administrator shall notify the department, agency, or instrumentality concerned and request the head of such department, agency, or instrumentality to enter into negotiations with the Administrator regarding the action to be taken under this Act with respect to the release.

"(d)(1) Not later than two hundred and seventy days after receipt of any notice of a release or threatened release required to be published under subsection (a), the Administrator shall publish in the Federal Register a detailed proposal for expeditiously taking action under this Act with respect to the release or threatened release. The proposal shall be accompanied by either a proposed interagency agreement regarding such action or a detailed explanation of the reasons why no such agreement has been developed. Any interested person may submit written comments respecting such proposed agreement to the Administrator and to each other concerned department, agency, or instrumentality of the United States.

"(2) After consideration of comments submitted under paragraph (1) and after final agreement between the Administrator and the other department, agency, or instrumentality concerned, but not later than ninety days after the date of publication of the proposal under paragraph (1), the Administrator shall either—

"(A) publish a final interagency agreement regarding the action to be taken under this Act with respect to the release involved, or

"(B) take action as provided in subsection (e).

An interagency agreement under this section shall include specific cost estimates of the actions to be taken and specific proposals and timetables for obtaining the necessary budgetary authority.

"(3) At any time before the expiration of the ninety-day period referred to in paragraph (2), the department, agency, or instrumentality concerned may request, and the Administrator may grant, an extension of such ninety-day period for an additional ninety days. A second ninety-day extension may be granted by the Administrator for good cause where a request is submitted before the expiration of the first extension.

"(e)(1) If no interagency agreement is reached under subsection (d) within the time period (or extended time period) established under the subsection, upon the expiration of such time period (or extended time period) the Administrator shall promptly take appropriate action under section 104, 106, or 107 of this Act with respect to the release involved.

"(2) In any instance in which the Administrator finds it necessary to protect public health and the environment, the Administrator may take action under the Act with respect to a release to which this section applies prior to the expiration of the time periods set forth in subsection (d) for reaching interagency agreement.

"(f) Commencing one year after the date of the enactment of this section, and each year thereafter, the Administrator shall submit to the Congress a report on the progress in reaching interagency agreements under this section, the specific cost estimates and budgetary proposals involved, a brief summary of the public comments regarding each proposed agreement, and a description of the instances in which no agreement has been reached. With respect to instances in which no agreement has been reached within the required time period, the Administrator shall include an explanation of the reasons why no agreement was reached.".

CITIZEN SUITS

SEC. 3. Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new section after section 116:

"CITIZEN SUITS

"SEC. 117. (a) Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

"(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any requirement which has become effective pursuant to this Act; or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (1) of this subsection shall be brought in the United States district court for the district in which the alleged violation occurred. Any action brought under paragraph (2) of this subsection may be brought in the United States District Court for the District of Columbia. Such district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such requirement, or to order the Administrator to perform such act or duty as the case may be.

"(b) No action may be commenced under subsection (a)(1) of this section—

"(1) prior to sixty days after the plaintiff has given notice of the violation—

"(A) to the Administrator;

"(B) to the State in which the alleged violation occurs; and

"(C) to any alleged violator; or

"(2) if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with such requirement.

In any action in a court of the United States referred to in paragraph (2), any person may intervene as a matter of right.

"(c) No action may be commenced under subsection (a) of this section prior to sixty days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurs.

"(d) In any action under this section the Administrator, if not a party, may intervene as a matter of right.

"(e) The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedures.

"(f)(1) As used in this section, the term 'person' has the meaning provided by section 101(21), but no person which is an agency of the United States (other than the Administrator) may bring an action under this section against any other department, agency, or instrumentality of the United States.

"(2) Notwithstanding any other provision of law, the Attorney General shall not represent the Administrator of the Environmental Protection Agency in any action under this section. The Administrator may appoint attorneys employed by the Environmental Protection Agency or enter into contracts with attorneys who are not officers or employees of the United States, to represent the Administrator in any such action.

"(g) Nothing in this section shall be construed to restrict any right which any person (or class of persons) may have under any other provision of this Act, under any other statute, or under any other Federal or State rule of law to seek enforcement of any requirement of this Act or any other relief, including relief against the Administrator or against any Federal or State agency.".

FEDERAL AGENCY SITES

SEC. 4. Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(a)" after "105." and by adding the following at the end thereof:

"(b) Not later than ninety days after the date of the enactment of this subsection the President shall publish a schedule for including on the national priority list under subsection (a)(8)(B) facilities which are owned or operated by departments, agencies or instrumentalities of the United States and which present a risk or danger to public health or welfare or the environment. Such facilities shall be included on such list in the same manner and subject to the same criteria as facilities which are owned or operated by other persons.".

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSFER OF SPECIAL ORDER OF SENATOR INOUYE TO SENATOR DIXON

Mr. DIXON. Mr. President, I understand that a special order was assigned to my colleague (Mr. INOUYE).

The PRESIDING OFFICER. The Senator is correct.

Mr. DIXON. Mr. President, I am advised that he will not be using this time. I ask unanimous consent that I may have several minutes for the

making of a short statement and the introduction of a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARMERS HOME ADMINISTRATION ABUSES

Mr. DIXON. Mr. President, on March 1, I spoke on the Senate floor of serious abuses by Illinois Farmers Home Administration employees. It has been revealed that some Farmers Home Administration employees have purchased farmland. After first acting in their official capacity for the agency and turning down loan requests from farmers who intended to purchase the same land.

Today I am introducing legislation, along with Senators PERCY, HUDDLESTON, MELCHER, and JEPSEN, that would prohibit this type of activity. This legislation would prohibit Farmers Home Administration employees who act upon, or review, an application made by a farmer for the purchase of a particular parcel of real estate from purchasing interest in that parcel for 5 years.

Mr. President, even the appearance of a conflict of interest on the part of a public official erodes confidence in a public agency. We must make certain that the American farmer does not lose confidence in public agencies that were established to address the critical problems in American agriculture.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

(2) by inserting after subsection (a) (as designated) the following new subsection:

"(b) No officer or employee of the Secretary who acts upon or reviews an application made by any person under this Act for a loan to purchase land may acquire, directly or indirectly, any interest in such land for a period of five years after the date on which such action is taken or such review is make.".

Mr. DIXON. Mr. President, I yield back whatever time for the special order, my colleague (Mr. INOUYE) had and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. DIXON. I am glad to withhold.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 10 minutes each.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

SCHOOL PRAYER

Mr. DANFORTH. Mr. President, in the past week I have noticed something quite remarkable that has happened in my office with respect to telephone calls coming into the office. Whereas a week or so ago, almost 100 percent of the phone calls that came in on the school prayer issue were in favor of a constitutional amendment, in the past few days a shift has occurred and now it is probably somewhere in the neighborhood of 50-50.

Last Thursday, we had 186 phone calls in favor of the constitutional amendment and we had 187 against the constitutional amendment. Friday, I do not know what the exact count was, but it certainly was not unanimous.

I think what is happening here is that the people who are in opposition are beginning to be heard from, and particularly the church people in opposition to the proposed school prayer amendment are beginning to be heard from.

Mr. President, the following American religious bodies have taken formal positions in opposition to the school prayer amendment:

The American Lutheran Church, Church of the Bretheran, American Baptist Churches in U.S.A., Episcopal Church, First Church of Christ Scientist, Baptist Joint Committee on Public Affairs, Friends Committee on National Legislation, Lutheran Church in America, American Lutheran Church, Lutheran Church Missouri Synod, National Council of Churches of Christ, National Council of Jewish Women, Seventh Day Adventists, Unitarian Universalists, Union of American Hebrew Congregations, United Church of Christ, United Methodist Church, and the Progressive National Baptist Convention.

Now, Mr. President, these are not just a few fly-by-night organizations, nor do they necessarily represent what some detractors of churches would call the liberal wing of the churches. The Southern Baptist Convention and the Lutheran Church Missouri Synod tend to be fairly conservative, and they have come out against the proposed constitutional amendment on school prayer.

Why is this? What is their reason for opposition? I think there are at least three reasons why they are opposed.

First, the churches of this country, many of them, believe very strongly in the fundamental principle of separation of church and state. And they believe that the proposed constitutional amendment breaks down the barrier between church and state.

Second, they believe in their own religious traditions. They do not think that just anything goes as a matter of religion. They believe in their faith, what they are taught on Sunday mornings and during the rest of the week, and they do not want their religious traditions watered down by school boards or by any other Government officials.

Third, they believe that the religious development of their children is the responsibility of the home and the family and the church and they do not want to yield that responsibility to some schoolteacher they have never known before and they do not know what the schoolteacher believes in. And, therefore, church people are beginning to think about the proposed amendments and church people are beginning to get in touch with Members of the Congress. The word is going out in the pulpits across America that this is not something which is good for religion in America but it is something that waters down religion in America.

Mr. President, I am an inadequate spokesman for the churches. All I can do is state as a matter of fact the depth of their feelings against these amendments. But the churches will be able to speak for themselves. And they will speak for themselves because, Mr. President, tomorrow at noon on the center steps of the east front of the Capitol there will be a meeting of church people. That meeting will include the denominations I have mentioned before and possibly some others. They will have an opportunity there to state their case of why they are opposed to the constitutional amendment.

But, also, Mr. President, I received today a letter from a man I went to law school with by the name of David L. Grove from Philadelphia, a member of the law firm of Montgomery, McCracken, Walker & Rhoads. The letters says, in part:

As a contemorary of yours at Yale Law School (Class of 1962) and President of a suburban Philadelphia public school board, I would like to express my support and gratitude for your opposition to the "school prayer amendment". Having been a school board member for nine years, I believe I have a good understanding of the day-to-day functioning of public schools. In my view, it would not be possible for any school district to have a non-coercive period of prayer or meditation (a not-too-subtle euphemism) at the beginning of a school day.

Perhaps it is my Quaker persuasion which leads me to believe that all people, including public school students, have more than adequate opportunities for prayer and meditation in their daily lives without the necessity of setting aside time during the school day for group exercises in prayer and meditation. My belief in this regard leads me inevitably to the further belief that the true object of those supporting the "school prayer amendment" is to give religious prayer a governmental sanction. This, of course, is exactly what our principle of separation of church and state has always been intended to avoid.

Mr. President, I ask unanimous consent that this letter be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MONTGOMERY, MCCRACKEN,
WALKER & RHOADS,
Philadelphia, Pa., March 7, 1984.

Senator JOHN C. DANFORTH,
Russell Building, Washington, D.C.

DEAR JACK: As a contemporary of yours at Yale Law School (Class of 1962) and President of a suburban Philadelphia public school board, I would like to express my support and gratitude for your opposition to the "school prayer amendment". Having been a school board member for nine years, I believe I have a good understanding of the day-to-day functioning of public schools. In my view, it would not be possible for any school district to have a non-coercive period of prayer or meditation (a not-too-subtle euphemism) at the beginning of a school day.

Perhaps it is my Quaker persuasion which leads me to believe that all people, including public school students, have more than adequate opportunities for prayer and meditation in their daily lives without the necessity of setting aside time during the school day for group exercises in prayer and meditation. My belief in this regard leads me inevitably to the further belief that the true object of those supporting the "school prayer amendment" is to give religious prayer a governmental sanction. This, of course, is exactly what our principle of separation of church and state has always been intended to avoid.

I would note that my firm has had more than the usual contact with this issue over the years. My firm's founder, Owen J. Roberts, as Justice Roberts, delivered the Supreme Court's opinion in *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940). Cantwell was the case in which the Court decisively settled that the Establishment and Free Exercise Clauses of the First Amendment were made applicable to the States by the Fourteenth Amendment. Subsequently, my firm represented the named appellant in *School District of Abington Township, Pennsylvania, et al.* v. *Schempp, et al.*, 374 U.S. 203 (1963). In that case the Court ruled unconstitutional the Pennsylvania statute which required that the public school day be opened with the reading of ten verses from the Holy Bible and the recitation of the Lord's Prayer.

I wish you well in your endeavors on this issue.

Sincerely,

DAVID L. GROVE.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM OF LEFT AND RIGHT IN EL SALVADOR MUST END

Mr. PELL. Mr. President, murders from the left are just as hideous as murders from the right. There is no question but that we are all very conscious of El Salvador's heinous death squads and the murders of those who believe changes should be made in that country's structure.

But how many realize that those of our fellow parliamentarians in El Salvador who are members of the conservative Authentic Institutional Salvadoran or ARENA parties are also being slaughtered by leftist murderers.

In this regard, I deplore the recent murder in El Salvador of a member of the Constituent Assembly belonging to the Authentic Institutional Salvador Party. The assassination, on February 23, of Roberto Ismael Ayala, deputy from the Department of Cabanas, marks the fourth killing of a member of the Constituent Assembly. The previous three, Ricardo Arnoldo Pohl, from Usulutan, killed in January of this year; Rene Barrios Amaya, from San Salvador Department, assassinated in June 1983, and David Joaquin Quinteros, from Cabanas, killed in April 1982, were all members of the ARENA party. With this most recent death, 3 of the 19 ARENA members of the Constituent Assembly, and 1 of the 9 Authentic Institutional party members of the Assembly have been killed. These four Constituent Assembly members assassinated represent 7 percent of the entire membership of El Salvador's legislative body. Their deaths represent 16 percent of the ARENA membership and 11 percent of the Authentic Institutional party membership in the Constituent Assembly.

The four members killed make up 14 percent of the strongly rightist grouping in the Assembly. In our context, it would be equivalent to seven U.S. Senators assassinated because they represented a conservative point of view.

These political assassinations, the majority claimed by extreme leftwing terrorists, are as deplorable as the killings of the Christian Democratic mayors earlier by the extreme right wing. In the past 4 years, 41 mayors have been either assassinated or have disappeared, soley because they were members of the Christian Democratic Party. These deaths are as dreadful as the thousands of noncombatant deaths, the great majority perpetrated by rightist forces.

I have long advocated a negotiated political settlement in El Salvador because I believe that it is the only way to end the death and bloodshed and bring peace to that beleaguered nation. These terrorist factions of the right and left, bent on destroying the chances for peace, must be brought under control. The political and military leadership of the opposing sides in El Salvador—both left and right—must bring an end to extremist terrorism. Rightist terrorist death squads and leftist terrorist assassination must end if peace is to be given a chance.

MESSAGES FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House had passed the following joint resolutions, without amendment:

S.J. Res. 112. Joint resolution to proclaim the month of March 1984, as "National Social Work Month."

S.J. Res. 132. Joint resolution to designate the week beginning May 6, 1984 as "National Correctional Officers Week."

S.J. Res. 225. Joint resolution designating the month of March 1984 as "National Eye Donor Month."

At 4:08 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it request the concurrence of the Senate:

H.R. 4164. An act to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes; and

H.R. Res. 434. Joint resolution to designate March 16, 1985, as "Freedom of Information Day."

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4164. An act to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes; to the Committee on Labor and Human Resources.

H.J. Res. 434. Joint resolution to designate March 16, 1985, as "Freedom of Information Day;" to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2750. A communication from the Administrator of the Office of Federal Procurement Policy transmitting, pursuant to law, a report on the major activities of the Office of Federal Procurement Policy; to the Committee on Governmental Affairs.

EC-2751. A communication from the Secretary to the Board of the U.S. Railroad Retirement Board transmitting, pursuant to law, an annual report of the U.S. Railroad Retirement Board; to the Committee on Governmental Affairs.

EC-2752. A communication from the Director of the Office of Congressional Affairs transmitting, pursuant to law, its annual Government in the Sunshine Act Report for 1983; to the Committee on Governmental Affairs.

EC-2753. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report entitled "Impact of Capital Budget Policy Changes;" to the Committee on Governmental Affairs.

EC-2754. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report on appeals submitted to the Board; to the Committee on Governmental Affairs.

EC-2755. A communication from the Mayor of the District of Columbia, transmitting a legislative proposal to amend the District of Columbia Self-Government and Governmental Reorganization Act; to the Committee on Governmental Affairs.

EC-2756. A communication from the Assistant Secretary of Indian Affairs of the Department of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of funds of the Sisseton-Wahpeton Sioux Tribe of South Dakota; to the Select Committee on Indian Affairs.

EC-2757. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, the report of the Export-Import Bank of the United States on the Freedom of Information Act for 1983; to the Committee on the Judiciary.

EC-2758. A communication from the Director of Legislative and Public Affairs transmitting, pursuant to law, an annual report for 1983; to the Committee on the Judiciary.

EC-2759. A communication from the Director of the Equal Employment Opportunity Commission transmitting, pursuant to law, the Equal Employment Opportunity Commission's 1983 Freedom of Information Act Report; to the Committee on the Judiciary.

EC-2760. A communication from the Administrator of the U.S. Environmental Protection Agency transmitting, pursuant to law, a report on the total number of applications for conditional registration under certain sections of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended; to the Committee on Agriculture, Nutrition and Forestry.

EC-2761. A communication from the President of the United States submitting a proposal for supplemental appropriations for the Central Intelligence Agency; to the Committee on Appropriations.

EC-2762. A communication from the Acting General Counsel of the Department of Defense transmitting, pursuant to law, proposed legislation for authorization of appropriations for fiscal years 1985 and 1986; to the Committee on Armed Services.

EC-2763. A communication from the Secretary of the Air Force transmitting, pursuant to law, a unit cost exception report; to the Committee on Armed Services.

EC-2764. A communication from the Acting Secretary of the Navy transmitting, pursuant to law, a report on operating areas in which oil and gas operations would cause major impact to naval operations; to the Committee on Armed Services.

EC-2765. A communication from the Secretary of Defense transmitting, pursuant to law, a report on fiscal year 1983 Department of Defense strengths direct and indirect hires; to the Committee on Armed Services.

EC-2766. A communication from the Acting Comptroller General of the United States transmitting a report entitled "Insights Into Major Urban Development Action Grant Issues," to the Committee on Banking, Housing, and Urban Affairs.

EC-2767. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report of the Secretary of Commerce for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-2768. A communication from the Vice President for Government Affairs, AMTRAK, transmitting, pursuant to law, a report on routine performance evaluations of NRPC; to the Committee on Commerce, Science, and Transportation.

EC-2769. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for NOAA for fiscal years 1985 and 1986; to the Committee on Commerce, Science, and Transportation.

EC-2770. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations to NOAA for fiscal years 1985 and 1986; to the Committee on Commerce, Science, and Transportation.

EC-2771. A communication from the Secretary of Commerce transmitting a draft of proposed legislation extending the voluntary insurance program provided under section 7 of the Fishermen's Protective Act; to the Committee on Commerce, Science, and Transportation.

EC-2772. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1985 and 1986 under the Marine Protection, Research, and Sanctuaries Act; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1132: A bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures (Rept. No. 98-363).

By Mr. DOLE, from the Committee on Finance, without amendment:

H.R. 4206: A bill to amend the Internal Revenue Code of 1954 to exempt from Federal income taxes members of the Armed Forces of the United States who die as a result of hostile actions overseas (Rept. No. 98-364).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 4072: A bill to provide for an improved program for wheat.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DIXON (for himself, Mr. PERCY, Mr. HUDDLESTON, Mr. MELCHER, and Mr. JEPSEN):

S. 2406. A bill to amend the Consolidated Farm and Rural Development Act to prohibit an officer or employee of the Department of Agriculture who acts upon or reviews an application for a loan for the purchase of land under such act from acquiring an interest in such land for a period of 5 years after such action or review; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PROXMIRE:

S. 2407. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish certain requirements with respect to hazardous substances released from Federal facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORTON:

S. 2408. A bill for the relief of John R. Schmitz; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. MATSUNAGA, and Mrs. KASSEBAUM):

S. 2409. A bill to clarify procedures for the disposal of Federal lands for use for public airport purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCLURE (by request):

S. 2410. A bill to provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable; to the Committee on Energy and Natural Resources.

By Mr. JEPSEN (for himself and Mr. BINGAMAN):

S. 2411. A bill to amend title 10, United States Code, to modify procedures for payment of military retired pay to spouses and former spouses of members of the uniformed services in compliance with court orders; to the Committee on Armed Services.

By Mr. STEVENS:

S. 2412. A bill to clarify the intent of Congress in adopting title IX of the Education Amendments of 1972, to prohibit any educational institution which receives any Federal financial assistance, direct or indirect, from discriminating on the basis of sex, to provide that Federal departments and agencies may terminate or deny all Federal financial assistance to any educational institution which discriminates on the basis of sex, and to protect women against sex discrimination by educational institutions receiving any form of Federal financial assistance; to the Committee on Labor and Human Resources.

By Mr. DENTON (for himself, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BURDICK, Mr. CHILES, Mr. COHEN, Mr. CRANSTON, Mr. DECONCINI, Mr.

DIXON, Mr. EAST, Mr. GLENN, Mr. GORTON, Mr. GRASSLEY, Mr. HATCH, Mrs. HAWKINS, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. HUMPHREY, Mr. INOUYE, Mr. JEPSEN, Mr. KASTEN, Mr. LAXALT, Mr. LEVIN, Mr. LUGAR, Mr. MCCLURE, Mr. MOYNIHAN, Mr. NICKLES, Mr. PELL, Mr. PRYOR, Mr. RIEGLE, Mr. SYMMS, Mr. TOWER, Mr. TSONGAS, Mr. WARNER, and Mr. WILSON):

S. 2413. A bill to recognize the organization known as the American Gold Star Mothers, Inc.; to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. NUNN) (by request):

S. 2414. A bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test and evaluation, for operation and maintenance and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURENBERGER (for himself, Mr. INOUYE, and Mrs. KASSEBAUM):

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to furnishing assistance under the Central America Democracy, Peace and Development Initiative Act; to the Committee on Foreign Relations.

By Mr. QUAYLE (for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. MOYNIHAN, and Mr. LAUTENBERG):

S. Con. Res. 98. Concurrent resolution to commend the efforts of the Statue of Liberty-Ellis Island Centennial Commission; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 2408. A bill for the relief of John R. Schmitz; to the Committee on Commerce, Science, and Transportation.

RELIEF OF JOHN R. SCHMITZ

● Mr. GORTON. Mr. President, today I am introducing a private bill for the relief of John R. Schmitz of Kent, Wash.

Mr. Schmitz is a retired civilian chief engineer who worked on vessels of the National Oceanic and Atmospheric Administration (NOAA) for 10 continuous years before his retirement in May 1973. Before entering on duty with NOAA, he served for 10 years with the Military Sealift Command. Mr. Schmitz is in immediate need of hospitalization, having cancer of the spine.

As a NOAA vessel employee who entered on active duty with NOAA before July 1, 1963, Mr. Schmitz was entitled by law to medical, surgical, and dental treatment and hospitalization at "facilities of the Public Health Service" (PHS). (Public Law 88-71, 42 U.S.C. 253a(a).) However, with the enactment of Public law 97-35 (42 U.S.C. 248b), which authorized the closure, transfer, or sale of PHS hospitals by September 30, 1982, there is literally no PHS facility available to provide for Mr. Schmitz' hospital treatment. Since PHS interprets its authorization to provide medical services for eligible NOAA employees and retirees under Public Law 88-71 as not including care at private facilities, they are not willing to authorize the expenditure of Federal moneys to provide for the treatment of Mr. Schmitz at a private hospital. This has meant that Mr. Schmitz has had to pay for certain costs of his expensive hospitalization out of his own savings. This is an unintended result and an unfortunate consequence of the enactment of Public Law 97-35 and the closure of PHS hospitals.

Since Mr. Schmitz believed the Federal Government would pay for these costs, he has no alternate, comprehensive medical insurance coverage, other than what he is entitled to under medicare plan A under social security. Medicare plan A covers basic hospitalization but does not include doctors' fees and testing. The purpose of this relief bill is to pay for those costs of Mr. Schmitz' hospitalization, which are not covered by medicare, with NOAA appropriations. The money would be provided from NOAA appropriations and transferred to PHS, NOAA's medical contract agent, which would reimburse the appropriate hosptial. NOAA has adequate appropriations for this purpose.

NOAA is trying to remedy this situation in general by the enactment of a generic amendment to 42 U.S.C. 253a to cover all retired NOAA vessel employees, ships' officers, and their dependents who are entitled to medical services by Public Law 88-71, but cannot obtain them due to the closure of PHS facilities. This amendment, incorporated in H.R. 3968 and S. 1102, has not yet been enacted.

In the meantime, Congress should pass this bill for the past and prospective relief of Mr. Schmitz, a valuable retired civilian employee, who needs immediate financial assistance. I urge the prompt and favorable consideration of this legislation.●

By Mr. INOUYE (for himself, Mr. MATSUNAGA, and Mrs. KASSEBAUM):

S. 2409. A bill to clarify procedures for the disposal of Federal lands for use for public airport purposes; to the Committee on Commerce, Science, and Transportation.

AMENDMENTS TO AIRPORT AND AIRWAYS IMPROVEMENT ACT OF 1982

● Mr. INOUYE. Mr. President, this morning, my colleagues, Senators MATSUNAGA and KASSEBAUM, and I introduced a measure to amend the Airport and Airways Improvement Act of 1982, and section 13g of the Surplus Property Act of 1944, to correct what we believe to be an improper and inappropriate construction of those sections of the law relating to the transfer of Federal property to State and local jurisdictions for airport development purposes.

Section 516 of the act, 49 U.S.C. 2215, compels the transfer of Federal lands suitable for airport development to State and local governments upon the recommendation of the Secretary of Transportation if such a use would not be inconsistent with the needs of the Federal agency in control of the property. The section also includes a requirement that the Attorney General approve any transfer. This mechanism is, of course, designed to facilitate the orderly development and maintenance of local airports in accordance with Federal needs and priorities and constitutes part of the overall airport improvement policy entailed in the Airport and Airways Improvement Act.

The State of Hawaii, despite its undisputed conformance with the terms of the act and its predecessor, section 23 of the Airport and Airways Development Act of 1970, has been denied the intended benefits of this provision. In brief, the Department of Transportation-recommended transfer of a parcel of Federal property, included as a part of a federally-approved airport expansion program, has been blocked by the General Services Administration's (GSA) insistence that the parcel in question be purchased for fair market value.

The GSA has grounded its insistence upon two contentions which this measure seeks to address. First, it asserts that the inclusion of the Attorney General in the airport transfer provision provides him with absolute discretion over the transfers of such property. They, therefore, conclude that no State or locality may legally complain of a failed transfer under the Airport Act if the Attorney General, for whatever reason, disapproves of a Department of Transportation recommendation. Second, the GSA assumes the position that the transfer provisions of the Airport Act of 1982 are, in fact, superseded by the Surplus Property Act of 1944 so that any Federal property declared surplus falls within the exclusive jurisdiction, and absolute discretion, of the General Services Administration.

Mr. President, the language of the Airport Act provides that upon recommendation of the Secretary of Transportation, the department or agency head in control of desired Federal property is "authorized and directed" to transfer unneeded parcels. I do not think Congress could have been clearer as to the intended scope of the statute. Yet, it now appears necessary to

make it clear that the scope of a law intended to apply to unneeded Federal properties extends to what the GSA classifies as "surplus" property.

Similarly, the context and history of the statute undermines any argument that the Attorney General was ever intended to have the absolute discretion to veto a Department of Transportation recommended transfer. Indeed, the President of the United States formally delegated his approval authority under the 1970 version of the section to the Department of Transportation and was removed altogether under the 1982 reenactment of this section. Under these circumstances, I believe that it is clear that Congress intended that the Attorney General perform no more than the essentially ministerial duties of insuring conformity with existing law. I know of nothing to suggest that this function cannot be adequately performed with the Department of Transportation and, therefore, urge that the role of Attorney General be deleted.

Mr. President, Hawaii has been denied the intended benefit of Federal law by virtue of dubious statutory construction. The purpose of this measure is to correct this error and insure that it does not recur.

Mr. President, I ask unanimous consent that the text of our proposal be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the second sentence of subsection (b) of section 516 of the Airport and Airway Improvement Act of 1982 is amended—

(A) by striking out "is hereby authorized and directed, with the approval of the Attorney General of the United States, and" and inserting in lieu thereof "shall,";

(B) by striking out "to" before "perform any acts"; and

(C) by striking out "to" before "execute any instruments".

(2) Such section is amended by adding at the end thereof the following new subsection:

"(d) APPLICABILITY OF SURPLUS PROPERTY ACT.—The provisions of section 13(g) of the Surplus Property Act of 1944 shall not apply to any conveyance of land under this section.".

(b) Section 13(g) of the Surplus Property Act of 1944 is amended by adding at the end thereof the following new paragraph:

"(7) The provisions of this subsection shall not apply to any conveyance of land under section 516 of the Airport and Airway Improvement Act of 1982.".

(c) The amendments made by this section shall apply to—

(1) any request made on or after the date of enactment of this Act by the Secretary of Transportation for the conveyance of land under section 516 of the Airport and Airway Improvement Act of 1982; and

(2) any request made by the Secretary of Transportation prior to the date of enactment of this Act for the conveyance of land under section 516 of the Airport and Airway Improvement Act of 1982 or under section 23 of the Airport and Airway Development Act of 1970 (as in effect prior to the date of enactment of the Airport and Airway Improvement Act of 1982).

(d) The Secretary of Transportation shall review each request made by such Secretary prior to the date of enactment of this Act for the conveyance of land under section 516 of the Airport and Airway Improvement Act of 1982 or under section 23 of the Airport and Airway Development Act of 1970 (as in effect prior to the date of enactment of the Airport and Airway Improvement Act of 1982). In any case in which the Secretary of Transportation requested such a conveyance for carrying out a project at a public airport or for the operation of a public airport and—

(1) the head of the department or agency having control of the land determined that the requested conveyance was not inconsistent with the needs of that department or agency.

(2) such conveyance was not made because such conveyance was not approved by the Attorney General or the Administrator of General Services, and

(3) the Secretary determines the public agency sponsoring such project or owning or controlling the public airport desires that such conveyance be made,

the Secretary shall, in accordance with section 516 of the Airport and Airway Improvement Act of 1982, request the head of the department or agency controlling such land that such conveyance be made. The provisions of such section shall apply to any request made under this subsection, except that the head of the department or agency shall make the determination required by subsection (b) of such section within 60 days after receipt of the Secretary's request.●

● Mr. MATSUNAGA. Mr. President, I rise to urge my colleagues to take favorable and expeditious action on this legislation offered by the senior Senator from Hawaii, Mr. INOUYE, Senator KASSEBAUM, and myself.

Mr. President, our bill is intended to facilitate the transfer of the Hickam Air Force Base administrative annex to the State of Hawaii for airport development purposes. The State of Hawaii has attempted to acquire this transfer in accordance with the provisions of the Airport and Airway Development Act of 1970. However, its efforts in this regard have been hindered due to some confusion in the interpretation of authority under the Airport Act. The bill we are introducing today seeks to clarify the procedures for the disposal of Federal lands for airport development.

Mr. President, as I have indicated, the State of Hawaii has, for some time, sought to gain title to this property for development of a new interisland terminal complex at Honolulu International Airport. In 1968, the State completed a master plan for airport development at Honolulu International Airport. Since that time, the State has been able to secure the transfer of several parcels of land necessary for the planned development. The sole remaining parcel of land is the 3.41 acres which is the subject of this legislation. This parcel is critical to the completion of the proposed interisland airport expansion.

Accordingly, in 1981, the State submitted an application to the Federal Aviation Administration (FAA) for a cost-free transfer of the Hickam annex. This application was made in compliance with the provisions of the Airport and Airway Development Act of 1970 which specifically mandates the transfer of unneeded Federal lands to appropriate public agencies for airport development. In this case, the FAA did, in fact, approve Hawaii's application and requested that the land be conveyed to the State at no cost.

In spite of FAA approval, the GSA, which now has control of the land, has persistently refused to give Hawaii title to the property. The GSA maintains that, by virtue of the 1949 Surplus Property Act which gives GSA discretion in determining the terms of conveyance of surplus Federal lands, it is not bound by the terms of the 1970 Airport and Airway Development Act.

Our bill would clarify that the property transfer provisions of the Airport Act supersede the authority granted under the Surplus Property Act. The proposal also eliminates the requirement that the Attorney General must approve transfers of Federal property under the Airport Act.

Mr. President, the entire Hawaii congressional delegation has supported the State in its attempt to secure title to this property so as to complete the new terminal complex. The delegation is in agreement that the use of this property for the interisland terminal complex is the best possible use of the property. Moreover, it is clearly congressional intent, as expressed in the Airport and Airway Development Act, that the cost free or discounted transfer of excess Federal land for airport development is appropriate and desirable if there is an apparent need for such development. The need clearly exists in Hawaii.

I urge my colleagues to act favorably on this measure.

PROPOSED AMENDMENTS TO SECTION 516 OF THE AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982 AND SEC. 13(g) OF THE SURPLUS PROPERTY ACT OF 1944

PURPOSES

(1) Eliminate the requirement that the Attorney General approve transfers of federal property under the Airport Act.

(2) Provide that the property transfer provisions of the Airport Act supercedes any authority provided the Administrator of the GSA under the Surplus Property Act.

(3) Provide for the retroactive application of the above provisions.

RATIONALE

The principal statute at issue is Sec. 516 of the Airport and Airways Improvement Act of 1982, 49 USC 2215. The provision compels the transfer of federal lands suitable for airport development upon the recom-

mendation of the Secretary of Transportation if such use of the land is not inconsistent with the needs of the federal agency in control of the property. The measure also, however, conditions such a transfer upon the approval of the Attorney General and it is the position of the General Services Administration (GSA), in a recent federal suit, that this requirement of approval provides the Attorney General with absolute discretion over the transfers of such property. It is, therefore, asserted that the Attorney General has absolute authority to block any transfer regardless of the Department of Transportation's recommendation.

A second statute which has been used as a rationale for blocking a transfer approved by the Department of Transportation is Sec. 13(g) of the Surplus Property Act of 1944, 50 Appendix USC 1622(g). The Act governs the disposition of surplus federal property and provides the Administrator of the GSA with the discretion to transfer surplus lands suitable for airport purposes to state and local jurisdictions. The GSA has asserted that the director has absolute discretion over such transfers and that the Property Act provision supercedes the Airways Act section. See, 40 CFR 101-47.308.2. (Property Act provision supercedes Airways Act.)

Pursuant to these statutory interpretations, the GSA resisted the transfer of airport property requested for transfer by the Department of Transportation under the Airport Act. Senator Inouye believes that these interpretations are contrary to the intent of Congress that appropriate federal property be made available for local airport expansion.●

By Mr. McCLURE (by request):

S. 2410. A bill to provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable; to the Committee on Energy and Natural Resources.

REIMBURSABLE COSTS OF CERTAIN INVESTIGATION ACTIVITIES

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the executive communications which accompanied the proposal from the Deputy Assistant Secretary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 2, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill, "To provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable."

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

The draft bill would provide that costs of advance planning work, conducted under the general investigations program of the Bureau of Reclamation (Reclamation), be treated as reimbursable construction costs if a water resources development project is later authorized for construction.

Reclamation's general investigations appropriation is for the investigation of potential water resources projects and for general engineering and research. Public Law 92-149 (85 Stat. 416) provided that all costs incurred for the investigation of potential projects which had not been authorized for construction by the date of that Act be nonreimbursable. Since passage of that Act, preauthorization investigation funds have been appropriated under the heading of general investigations, which are nonreimbursable costs, and advance planning activities have been funded from the construction program appropriation. Construction program expenditures, including advance planning, have been allocated among the project purposes to be repaid by beneficiaries in accordance with the applicable Reclamation repayment laws.

We have recently implemented a two-stage planning process within the general investigations activities of the Bureau of Reclamation. We believe this new process will reduce the time required to begin construction of a viable project by about 10 years. It will allow Reclamation to be more responsive to our Nation's water use problems and needs. However, this change has resulted in the transfer of advance planning costs from a reimbursable status to a nonreimbursable status.

Under the previous planning process, reimbursment of costs was generally based on the existence of an authorized project with identifiable beneficiaries of the project. The first step, a study stage, consisted of an appraisal level study to determine if such a project was possible, and a feasibility study to examine alternatives and determine a benefits-to-costs ratio. Congress would then consider the feasibility of the project and possibly authorize the project. These study costs were generally nonreimbursable.

The second step consisted of the formulation of a definite plan of construction for a Congressionally authorized project. The definite plan included specific engineering plans and an identification of beneficiaries and contracting entities. These activities were reimbursable. Finally, engineering plans and contracts were finalized, and construction could begin. This entire process took, on the average, 17 years. The longest delay involved the practice of awaiting an authorization and funding before beginning the formulation of a definite plan.

Advance planning under the new planning process corresponds to the formulation of a definite plan under the previous process. However, under the new planning process, advance planning will be conducted, using general investigations funds, prior to a project authorization.

We believe this process will considerably shorten the planning time frame. However, it will also result in the transfer of advance planning costs from a reimbursable basis to a nonreimbursable basis. This is because the funds will now be expended prior to authorization and thus be subject to the provisions of Public Law 92-149 making costs before authorization nonreimbursable.

The proposed legislation would allow the Federal Government to continue the practice of recovering appropriate advance planning expenditures. This would be accomplished by treating advance planning costs as construction costs if a project is later authorized for construction. These planning costs are easily attributable to identifiable beneficiaries and reimbursement is consistent with our general policy regarding the sharing of project costs among project beneficiaries. If the proposed project is not ever authorized, the advance planning costs would then be nonreimbursable. This would not, however, imply a Federal responsibility to reimburse non-Federal entities for funds or services contributed to defray advance planning costs.

Enactment of this legislation will help to focus advance planning on promising projects with strong local support.

The Office of Management and Budget has advised that there is no objection to the presentation of this report and that enactment of this legislation would be in accord with the program of the President.

Sincerely,

HAROLD W. FURMAN II,
Deputy Assistant Secretary.

S. 2410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 92-149 (85 Stat. 416) is amended by adding the following sentence at the end thereof: "Costs of an advance planning study of a proposed project shall be considered to be reimbursable construction costs and included in the allocation of construction costs to the proposed project's beneficiaries."●

By Mr. JEPSEN (for himself and Mr. BINGAMAN):

S. 2411. A bill to amend title 10, United States Code, to modify procedures for payment of military retired pay to spouses and former spouses of members of the uniformed services in compliance with court orders; to the Committee on Armed Services.

CHANGES IN PROVISIONS OF THE UNIFORMED SERVICES FORMER SPOUSES PROTECTION ACT

● Mr. JEPSEN. Mr. President, today, I am introducing, along with Senator BINGAMAN, a bill to perfect the provisions of the Uniformed Services Former Spouses Protection Act. Under that act, which has as its basis a bill I introduced in the 97th Congress, the authority of State and local courts to consider military retired pay in divorce proceedings was clarified, and former spouses of retired military personnel were provided with a simplified enforcement mechanism to enforce court-ordered child support, alimony, and property division.

Although that act has only been fully in effect for slightly over a year, it appears to be working well in the areas that it attempts to address. While that act certainly does not solve all the problems that arise when military marriages are dissolved, I believe the act does successfully address the major problems in which congressional action is the appropriate remedy.

However, it has been learned that the definition of "court order" utilized in that act has the unitended effect of preventing the use of the enforcement mechanisms in the act to collect child

support or alimony in some cases. This arises because for a court order to qualify under the act for enforcement, the order must specifically direct that the payments must be from the retired or retainer pay of the member. While such a requirement is appropriate in situations involving the division of retired pay as property, it is neither necessary nor common practice that courts should specify the source of child support or alimony payments. As a result, many final court decrees which direct that military retirees pay child support or alimony cannot be enforced under the Uniformed Services Former Spouses Protection Act and can only be enforced under the more cumbersome, and often more expensive, method of garnishment.

The bill which I am introducing today with Senator BINGAMAN will correct this situation and permit otherwise valid court orders for child support or alimony to be enforced under the act.

I do think it is important to make clear what this bill does and does not do.

The bill does offer an additional method of enforcement of court-ordered child support and alimony obligations of military retirees.

The bill does not create any new substantive rights for a spouse or former spouse of a military retiree.

The bill does recognize my belief that military retirees should be responsible for court-ordered obligations for child support and alimony.

The bill does not provide any new enforcement mechanism but rather merely makes an existing mechanism more useful.

The bill does relate only to military retired and retainer pay and to no other portion of military compensation.

The bill does not replace the enforcement mechanism of garnishment but merely allows the mechanism in section 1408 of title 10, United States Code, to be utilized as an alternative to garnishment.

I am convinced that the major steps that were taken in the Uniformed Services Former Spouses Protection Act were the right ones. However, as adjustments, such as the one Senator BINGAMAN and I are introducing today, are defined and justified, I will continue to support them. In this way, we can help insure that the judgments of family law courts, the institution in our system best qualified to judge the individual facts of each case, are given the force and effect due them by our retired military personnel.●

● Mr. BINGAMAN. Mr. President, I am happy to join Senator JEPSEN today in introducing this bill, which is one more step toward fairer treatment of former military spouses. The Congress made major progress in this area in 1982 with the passage of the Uniformed Services Former Spouses Protection Act, Title X of Public Law 97-252. The bill which we are introducing today makes a small, but important adjustment in that act. It would allow the direct payment mechanism instituted in Public Law 97-252 to be used for court-ordered child support or alimony, regardless of whether the court order specified that such payment be made from military retired pay.

Under current law, a court order must specifically provide for the payment from the disposable retired or retainer pay of the military member. Although this requirement generally presents no problem for court orders providing for a division of property, the courts of several States frequently do not specifically require that payments for child support or alimony be made from retired pay.

Therefore, in the case of some States, the direct payment mechanism instituted by Public Law 97-252 would not be available to insure compliance with a valid court order for child support or alimony. The former spouse would, instead, have to pursue payment through the more complex, and often substantially more expensive, garnishment procedures provided by Public Law 93-647. This was not the congressional intent in Public Law 97-252, and we need now to make this clear.

Perhaps a specific case is the best way to show the plight of some of the former military spouses who need this bill passed.

I recently received the following letter from one such woman. Let me read it, deleting names and addresses to protect her privacy:

DEAR SENATOR BINGAMAN: My name is (name)—a child of the Depression—born to poor immigrant parents. On my father's advice and security in my future, I conformed to the regimen of being a military wife. This covered a life span of 29 years.

All the logic available to me as a human being, I am completely at a loss as to the inability to collect court-ordered support and the deprivation of all benefits earned—why an Office in Charge at the Navy Family Allowance Activity accepted my claim for alimony and child support under the Spouse Protection Clause, Public Law 97-252, and then rejected it on the basis of the complaint of the former member, who is in arrearage in support to the total of twenty-five thousand dollars ($25,000).

The comatose state of false security as a former military wife was shared by many. The stripping and loss that occurred upon divorcing a career military man deteriorated the dignity of our very existence.

The laws of justice are our heritage from our former ancestors. It is my hope that commonsense and decency will prevail over the injustice that many former military spouses are now enduring.

When I inquired of the Navy what had been done to help this woman, I received the following reply:

DEAR SENATOR BINGAMAN: This is with reference to your inquiry addressed to the Chief of Legislative Affairs concerning the alimony and child support obligations owed to (person) by (person).

(Person) was obligated to make spousal and child support payments to (person) by virtue of their (state 1) divorce decree dated May 14, 1976. Apparently the member has failed to fully honor these obligations. The (state 1) divorce decree was ultimately adopted by the (state 2) courts in an Order dated June 30, 1977, in the (county) Civil Court.

In a series of actions beginning in 1978, (person) has attempted to enforce the support obligations owed to her through the Department of the Navy. Initially, the Navy was served with a (state 2) Court Order dated March 31, 1978, which directed it to divert $350.00 per month from the member's retired pay plus an additional amount to cover outstanding support arrearages of $1,400.00. This was an action under Public Law 95-30, 42 United States Code, Section 659, for garnishment of pay. This Law requires that there first be service of a valid court order under the state laws of the issuing jurisdiction. It is our understanding that the 1974 Amendment to the (state 2) Code of Laws, 10-1721 prohibits such garnishment action. Accordingly it was impossible to honor (person's) garnishment attempt.

The Activity has contacted the member on two or three occasions and urged him to voluntarily honor his support obligations. On each occasion he refused to comply with our suggestion that he register a voluntary support allotment stating that he was too ill to afford such payments.

In 1983, (person) again attempted to enforce the member's spousal support obligation by filing a claim for direct payment under the Uniformed Services Former Spouses' Protection Act, Public Law 97-252, 10 United States Code, Section 1408. The main purpose of the Act is to authorize direct payments to a former spouse of a retired military member from retired pay in response to a court-ordered division of retired pay as community property, alimony, or child support. The (county) Court Order of March 31, 1978, was submitted as the underlying documentation under the Act. The Federal Regulations at 32 CFR Part 63.3(e) define a proper "court order" under the Act to be "a final decree of divorce, dissolution, annulment, or legal separation, issued by a court, or a court-ordered, ratified, or approved property settlement incident to such a decree." The March 31, 1978, Order is not such a "court order". We then examined the 1976 (state 1) divorce decree on the chance that it could be used as a valid "court order" and serve as adequate underlying documentation under the Uniformed Services Former Spouses' Protection Act; the (state 1) decree, however, does not specifically provide for division of Navy retired pay as either community property or spousal support.

It was suggested that (person) consider a URESA action in garnishment in (states 3) where the member had been residing. However, it appears that the member is constantly on the move and cannot be successfully served. The last word we received was that he was currently traveling in (state 1).

The Navy has carefully examined (person's) situation to determine if there would be some way that she could enforce her rights to support against her former husband's retired pay. In addition, we have attempted to persuade the member to volun-

tarily honor his support obligations and have been unsuccessful. We are unable to offer any other suggestions except to suggest the filing of a URESA garnishment action against her former spouse in (state 1). It should be understood that these actions are rather difficult to perfect, and we have no idea as to how long the member will remain in (state 1).

At this point, there is no further action that the Navy can take in this matter, and it is hoped that the foregoing satisfactorily answers your inquiry.

Clearly, the garnishment procedures are not working for this woman. Public Law 97-252 does not help her because her (state 1) decree does not specifically provide for a division of Navy retired pay. And the Navy has not been successful, despite repeated efforts, to persuade the member to voluntarily honor his support obligations.

We need the bill Senator JEPSEN and I are introducing today to correct this deficiency in current law. This woman's case is by no means unique. Representatives ASPEN, SCHROEDER, and WHITEHURST introduced an identical bill, H.R. 5027, in the House last Wednesday. I hope that we will see speedy action on these bills in both Houses.●

By Mr. STEVENS:

S. 2412. A bill to clarify the intent of Congress in adopting title IX of the Education Amendments of 1972, to prohibit any educational institution which receives any Federal financial assistance, direct or indirect, from discriminating on the basis of sex, to provide that Federal departments and agencies may terminate or deny all Federal financial assistance to any educational institution which discriminates on the basis of sex, and to protect women against sex discrimination by educational institutions receiving any form of Federal financial assistance; to the Committee on Labor and Human Resources.

EDUCATION AMENDMENTS OF 1984

Mr. STEVENS. Mr. President, as a cosponsor of S. 2363, I congratulate Senator PACKWOOD on his initiative in immediately presenting a bill to reinforce title IX of the Higher Education Act Amendments of 1972 in the wake of the Supreme Court's decision on the Grove City College case. The intent of my bill is solely to bolster and complement the effort to rectify the discrepencies that, according to the Supreme Court, exist between what we believed was the intent of title IX and what is actually the statute. My bill, by addressing section 902 of the Higher Education Act Amendments as well as section 901, will insure that intent and enforcement are unequivocal.

As a longtime advocate of equal rights for women, I am proud that my role here in the Senate has included being involved in the origination and passage of legislation to insure that women have equal access to the rights and opportunities that are a part of our society. Title IX is one such measure, and I am convinced that the congressional intent as it was interpreted until the Grove City College decision is what we meant. At any rate, it is what I meant, and it is what I believe is needed. As a lawyer, I find it regrettable that it appears we left this provision open to alternate interpretations. In light of this recent decision, it may be necessary for us to go back and rework all comparable antidiscrimination statutes. At this time, however, I reiterate my commitment to the purpose of title IX to eliminate discrimination in education on the basis of sex, thereby promoting equal opportunities for women throughout American society.

By Mr. DENTON (for himself, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BURDICK, Mr. CHILES, Mr. COHEN, Mr. CRANSTON, Mr. DECONCINI, Mr. DIXON, Mr. EAST, Mr. GLENN, Mr. GORTON, Mr. GRASSLEY, Mr. HATCH, Mrs. HAWKINS, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. HUMPHREY, Mr. INOUYE, Mr. JEPSEN, Mr. KASTEN, Mr. LAXALT, Mr. LEVIN, Mr. LUGAR, Mr. MCCLURE, Mr. MOYNIHAN, Mr. NICKLES, Mr. PELL, Mr. PRYOR, Mr. RIEGLE, Mr. SYMMS, Mr. TOWER, Mr. TSONGAS, Mr. WARNER, and Mr. WILSON):

S. 2413. A bill to recognize the organization known as the American Gold Star Mothers, Inc.; to the Committee on the Judiciary.

AMERICAN GOLD STAR MOTHERS, INC.

Mr. DENTON. Mr. President, I rise today to introduce legislation to grant the American Gold Star Mothers, Inc., a Federal charter, thereby providing the organization with the congressional recognition that it so well deserves.

The American Gold Star Mothers, Inc., was originally founded on June 4, 1928, by a group of 25 mothers residing in Washington, D.C., as a nondenominational, nonprofit, and nonpolitical national organization. On January 5, 1929, the organization was incorporated under the laws of the District of Columbia. The organization is composed of mothers whose sons or daughters served and died in the line of duty in the Armed Forces in World War I, World War II, the Korean conflict, Vietnam, and other strategic areas, or who died as a result of injuries received during such service. It is open for membership to all eligible women regardless of race, color, religion, or national origin.

The noble objectives of the organization include:

Maintaining the ties of fellowship born of service, and assisting and furthering all patriotic work;

Inculcating a sense of individual obligation to the community, State and Nation;

Assisting veterans of World War I, World War II, the Korean conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Veterans' Administration, and aiding in any way in their power, the men and women who served and died or were wounded or incapacitated during hostilities;

Perpetuating the memory of those whose lives were sacrificed in the line of duty;

Maintaining true allegiance to the United States of America;

Inculcating lessons of patriotism and love of country in the communities in which we live;

Inspiring respect for the Stars and Stripes in the youth of America;

Extending needed assistance to all Gold Star Mothers and, when possible, to their descendants; and

Promoting peace and good will for the United States and all other nations.

The organization has accomplished those objectives during the past 55 years through its total commitment to public service, a commitment that entails working with families to help adjust to a way of life without their loved ones and to providing many hours of volunteer work and personal service in all hospitals for veterans. The organization exemplifies a high level of patriotism in its efforts to protect the rights of mothers whose sons or daughters paid the ultimate price in defense of their country.

The success of the organization is shown by the activities of over 41 State networks with some 6,500 members nationally. In Alabama, the American Gold Star Mothers, Inc., has five chapters, in Birmingham, Bessemer, Gadsden, Mobile, and Tuscaloosa.

Mr. President, I believe that it would be appropriate for the Congress to grant a Federal charter to an organization that strives to promote the patriotic ideals of public service. The bill is currently cosponsored by 35 Members of this body and I urge my remaining colleagues to support the legislation.

I ask unanimous consent that the text of the bill as well as a list of the State chapters of the American Gold Star Mothers, Inc., appear in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. American Gold Star Mothers, Incorporated, organized and incorporated under the laws of the District of Columbia,

is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. American Gold Star Mothers, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State of States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) American Gold Star Mothers, Incorporated".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DIFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

AMERICAN GOLD STAR MOTHERS, INC.

ALABAMA

Bessemer
Birmingham
Gadsden
Mobile-Azalea
Tuscaloosa

ARIZONA

Phoenix
Tucson

ARKANSAS

Little Rock
Saline County

CALIFORNIA

Alameda
Bakersfield
Bell Gardens
Berkeley
Burbank
Butte County
Chino
Compton-Lynwood
Culver Palms
East Los Angeles-Montebello
Glendale
Hawthorne
Hemet-Romona
Home-Long Beach
Imperial Valley
Long Beach
Los Angeles-Highland Park
Marin
Millerton
Modesto
Oakland
Peninsula
Pomona Valley
Redlands
Richmond
Sacramento
San Bernardino
San Clemente
San Diego
San Joaquin
San Jose
Santa Ana
Santa Monica
South-East
Tri-City
Twenty-Nine Palms
Vallejo
Oxnard

COLORADO

Colorado Springs
Denver
Fort Collins
Grand Junction

CONNECTICUT

Bridgeport
Hartford
Housatonic Valley
New London
Torrington
Waterbury
Wepauwag

DELAWARE

Wilmington

FLORIDA

Emma Balcom, Clearwater
Brevard Melbourne
Broward County
Orlando
Fort Myers
Indian River
Lake Worth
Memorial-Bradenton
Miami
Sarasota
Tampa Bay
Victory
St. Petersburg
Volusia County
West Palm Beach
North Bevard County

GEORGIA

Atlanta
Cobb County
Dofe of Pease,
East Point
Savannah
Twin City-Columbus

ILLINOIS

Aurora
Belleville
Chicago
Coles County
Decatur
DuPage
Elgin
Greater Alton
Lake County
North Shore
Rock Island
Round Lake
Sangamon County
Vermillion
Winnebago

INDIANA

Allen County
Delaware County
Elkhart
Indianapolis
Lawrence
Madison
Peru
St. Joseph Valley
Tippecanoe
Wabash Valley

IOWA

Davis County
Esterville
Fort Dodge
Iowa
Muscatine
Waterloo

KANSAS

El Dorado
Pittsburg
Quivera
Wichita
Parsons

KENTUCKY

Kenton County

LOUISIANA

Alexandria
Lake Charles
Magnolia
New Orleans

MAINE

Androscoggin
Greater Portland
Kennabec
Old Town
Waterville

MARYLAND

Baltimore
Carroll County
Montgomery County
Tri State

MASSACHUSETTS

Arlington
Brockton
Brookline
Easthampton
Everett
Fall River
Fitchburg
Greater Lawrence
Holyoke
Lowell
Lynn
Middlesex

Milton
New Bedford
Newton
Quincy
South Boston
South Bridge
Springfield
Wakefield
Watertown
Westfield
Worcester

MICHIGAN

Battle Creek
Benton Harbor
Chippewa County
Clare
Delta
Detroit
Dick County
Dickinson
Flint
Grand Haven
Grand Rapids
Jackson
Kalamazoo
Lansing
Macomb County
Marquette
Mason County
Midland
Muskegan
Oakland
Pontiac
Royal Oak
Saginaw
Wayne County
Wyandotte

MINNESOTA

Borderland
Stasca
Northside
Southside

MISSOURI

Moberly
St. Louis
Springfield

NEVADA

Desert-Las Vegas

NEW HAMPSHIRE

Granite State
Manchester
Nashau
Portsmouth

NEW JERSEY

Atlantic City County
Bayshore
Bloomfield
Burlington County
Camden County
Cape May
Cumberland
Elizabeth
Hudson City
Irvington
Kearney
Metuchan
Morris
Paterson
Somerset County
South Jersey
Trenton

NEW MEXICO

Albuquerque
Bernalillo
Sierra County
Silver City
Valencia County

NEW YORK

Albany
Broome County
Bronx
Buffalo
Clinton County
Flatbush
Fultonian
Geneva
Glendale
Glen Falls
Memorial
Nassau County
New Windsor
Niagara Frontier
North Forks
North Main
Pioneer
Poughkeepsie
J. F. Prince
Rensselaer County
J. V. Repetti
Richmond County
Rochester
Rome
Schenectady
South Buffalo
South Shore
Suffolk County
Tanawanda
Utica
Wayne County
Woodside
Yates County
Yonkers
Syracuse

NORTH CAROLINA

Buncombe County
Mecklenberg

OHIO

Cambridge
Clark County
Columbus
Elyria
Greene County
Hamilton County
Hancock
Knox County
Lawrence County
Licking County
Lima
Lorain
Mansfield
Marietta
Memorial
Ottawa County
Perry County
Remembrance
Toledo
Vinton County
Youngstown

OKLAHOMA

Enid
Kay County
Lawton
Logan County
Oklahoma City
Stephens County
Tulsa

OREGON

Central
Josephine County
Loyal
Medford
Memory
Roseburg
Salem
Tillamook County
Unity
Wasco County

PENNSYLVANIA

Adams
Allegheny County
Allentown
Beaver County
Bethlehem
Bucks
Butler
Chester
Coatsville Area
Conshacken
Fayette
Hazelton-Memorial
Greater Johnstown
Greater Pitson
Greensburg Memorial
Harrisburg
Inter County Memorial
Lawrence County
North Penne
Philadelphia
Red Lion
Warren County
West Chester County

RHODE ISLAND

Woonsocket
Wampanaug

SOUTH CAROLINA

Palmetto
Pickens County
Rhodes

TEXAS

Amarillo
Big Springs
Dallas
Daytime
El Paso
Houston
Hunt County
San Antonio
Stephens County
Waco

UTAH

Cache County
Ogden
Salt Lake City

VERMONT

North County

VIRGINA

Alexandria
Richmond
Roanoke

WASHINGTON

Beacon
Bremerton
Clark County
Evergreen
Gray Harbor
Seattle
Spokane
Tacoma
Wenatchee

WEST VIRGINIA

Marion County
Monogalia
Ohio Valley

WISCONSIN

Appleton
Brown County
Dane County
Eau Claire
Fond du Lac
Jonesville
Langlade County
Manitooloc
Marathon
Menasha-Neenah
Milwaukee
Oconto
Oshkosh
Racine
Stevens Point
Washington County

WYOMING

Cheyenne

DISTRICT OF COLUMBIA

Grace Darling Seibold

By Mr. TOWER (for himself and Mr. NUNN) (by request):

S. 2414. A bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

● Mr. TOWER. Mr. President, by request, for myself and the senior Senator from Georgia (Mr. NUNN), I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1985".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft, missiles, weapons, and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $4,008,300,000.

For missiles, $3,442,400,000.

For weapons and tracked combat vehicles, $5,092,700,000.

For ammunition, $2,494,000,000.

For other procurement, $6,022,400,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and other procurement for the Navy as follows:

For aircraft, $11,474,200,000.

For weapons (including missiles and torpedoes), $4,650,860,000.

For shipbuilding and conversion, $13,141,900,000.

For other procurement, $5,953,900,000.

(b) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,978,581,000.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft and missiles and for

other procurement for the Air Force as follows:

For aircraft, $28,676,500,000.

For missiles, $9,820,600,000.

For other procurement, $9,561,500,000.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 105. Funds are hereby authorized to be appropriated for the Defense Agencies in the amount of $1,243,500,000.

CERTAIN AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 106. Effective on October 1, 1984, section 103(c) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1984" both places it appears and inserting in lieu thereof "fiscal year 1985".

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, $4,987,860,000.

For the Navy (including the Marine Corps), $9,833,576,000.

For the Air Force, $14,401,955,000.

For the Defense Agencies, $4,770,296,000, of which $62,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1985 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

TITLE III—OPERATION AND MAINTENANCE

SEC. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expense, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, $19,486,518,000.

For the Navy, $26,248,426,000.

For the Marine Corps, $1,683,069,000.

For the Air Force, $20,234,500,000.

For the Defense Agencies, $7,338,370,000.

For the Army Reserve, $715,450,000.

For the Naval Reserve, $829,531,000.

For the Marine Corps Reserve, $58,642,000.

For the Air Force Reserve, $883,461,000.

For the Army National Guard, $1,404,643,000.

For the Air National Guard, $1,862,148,000.

For the National Board for the Promotion of Rifle Practice, $914,000.

For Defense Claims, $177,900,000.

For the Court of Military Appeals, $3,470,000.

(b) There are authorized to be appropriated for fiscal year 1985, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a);

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by subsection (a.)

TITLE IV—WORKING CAPITAL FUNDS

SEC. 401. Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working-capital funds, in amounts as follows:

For the Army Stock Fund, $366,448,000.

For the Navy Stock Fund, $563,907,000.

For the Marine Corps Stock Fund, $34,908,000.

For the Air Force Stock Fund, $666,093,000.

For the Defense Stock Fund, $130,700,000.

TITLE IV—ACTIVE FORCES

SEC. 501. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1985, as follows:

(1) The Army, 780,000.

(2) The Navy, 575,300.

(3) The Marine Corps, 199,500.

(4) The Air Force, 610,200.

TITLE VI—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 601. For fiscal year 1985 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 440,100.

(2) The Army Reserve, 288,400.

(3) The Naval Reserve, 124,200.

(4) The Marine Corps Reserve, 44,300.

(5) The Air National Guard of the United States, 106,200.

(6) The Air Force Reserve, 72,900.

(7) The Coast Guard Reserve, 12,500.

(b) The average strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 602. (a) Within the average strengths prescribed in section 601, the reserve components of the Armed Forces are authorized, as of September 30, 1985, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,583.

(2) The Army Reserve, 15,027.

(3) The Naval Reserve, 15,410.

(4) The Marine Corps Reserve, 1,129.

(5) The Air National Guard of the United States, 7,224.

(6) The Air Force Reserve, 623.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 603. (a) The table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	517	156	87	9
E–8	2,295	381	455	74".

(b) The table in section 524(a) of such title is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	2,261	823	471	100
Lieutenant colonel or commander	1,121	520	293	50
Colonel or Navy captain	345	177	172	25".

(b) The amendments in subsections (a) and (b) take effect on October 1, 1984.

TITLE VII—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 701. (a). The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1985, of 1,084,836.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established under section 3402 of title 5, United States Code, shall be counted as prescribed in section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire, appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed in section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be ajusted to reflect any increase or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

TITLE VIII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 801. (a) For fiscal year 1985, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 76,920.

(2) The Navy, 69,116.

(3) The Marine Corps, 21,186.

(4) The Air Force, 46,592.

(5) The Army National Guard of the United States, 18,338.

(6) The Army Reserve, 15,994.

(7) The Naval Reserve, 3,389.

(8) The Marine Corps Reserve, 3,941.

(9) The Air National Guard of the United States, 2,990.

(10) The Air Force Reserve, 2,099

(b) The average military student loads for the Army the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1985 shall be adjusted consistent with the manpower strengths authorized in titles, V, VI, and VIII of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE IX—GENERAL PROVISIONS

SELECTED ACQUISITION REPORTS AMENDMENTS

SEC. 901. (a) Section 139a of title 10, United States Code is amended—

(1) by striking out subsection (a)(1) and inserting in lieu thereof the following:

"(1) 'Major defense acquisition program' means a Department of Defense acquisition program that has a firm program baseline and cost estimate, that has received congressionally approved funding and a Department decision to proceed with full-scale engineering development, that is not a highly sensitive classified program (as determined by the Secretary of Defense) and—

"(A) that is designated by the Secretary of Defense as a major defense acquisition program; or

"(B) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $200,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than $1,000,000,000 (based on fiscal year 1980 constant dollars).";

(2) by striking out "appropriated" the first two times it appears in subsection (a)(3);

(3) by inserting "in excess of $5,000,000" between "the program" and "in dollar amount." in subsection (a)(4);

(4) by striking out subsection (b)(2) and inserting in lieu thereof the following:

"(2) A status report on a major defense acquisition program need not be included in the Selected Acquisition Report for the second, third, or fourth quarter of a fiscal year if such a report was included in a previous Selected Acquisition Report for the fiscal year and during the period since that report there has been:

"(A) Less than a 5% change in total program costs; or

"(B) Less than a 5% change in program performance; or

"(C) Less than a six-month delay in any program schedule milestones.";

(5) by strking out subsection (f) and inserting in lieu thereof the following:

"(f) Each comprehensive annual Selected Acquisition Report shall be submitted within 60 days after the date on which the President transmits the Budget to Congress for the following fiscal year, and each Quarterly Selected Acquisition Report shall be submitted within 45 days after the end of the fiscal-year quarter."; and

(6) by adding the following subsection at the end thereof:

"(g) Reporting on this section shall apply to a major defense acquisition program until 90 percent of planned deliveries have been made or 90 percent of planned expenditures have been incurred.".

(b) The amendments made by this section shall take effect on January 1, 1985, and shall apply beginning with respect to reports for the first quarter of fiscal year 1985.

UNIT COST REPORT AMENDMENTS

SEC. 902. (a) Section 139b of title 10, United States Code, is amended—

(1) by striking out subection (a)(2) and inserting in lieu thereof the following:

"(2) 'Baseline Selected Acquisition Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means the first comprehensive annual Selected Acquisition Report prepared subsequent to the award of the first production contract or the comprehensive annual Selected Acquisition Report for the fiscal year immediately before the fiscal year containing the quarter with respect to which the unit cost report is submitted, whichever is later.";

(2) by adding at the end of subsection (a) the following:

"(4) 'Baseline Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means:

"(A) the Baseline Selected Acquisition Report when no report has been submitted under either subsection (e)(1) or (e)(2)(B)(ii) during the second, third, or fourth fiscal-year quarter of the preceding fiscal year; or

"(B) The unit cost report required by subsection (e)(2)(B)(ii) whenever submitted during the second, third, or fourth fiscal-year quarter of the preceding fiscal year; or

"(C) The unit cost report required by subsection (e)(1) whenever submitted during the second, third, or fourth fiscal-year quarter of the preceding fiscal year, and no report has been submitted under subsection (e)(2)(B)(ii) during the same three-quarter period.";

(3) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The program manager for a defense acquisition program that as of the end of a fiscal-year quarter is a major defense acquisition program (other than a program not required to be included in the Selected Acquisition Report for that quarter under Section 139a(b)(3) of this title) shall, after the end of each fiscal-year quarter, submit to the Secretary concerned a written report on the unit costs of the program. Each report for the first quarter of a fiscal year shall be submitted not more than 7 days after the date on which the President transmits the budget to Congress for the following fiscal year. Each report for all other quarters shall be submitted not more than 7 days after the end of that quarter. The program manager shall include in each such unit cost report the following information with respect to the program (as of the last day of the quarter for which the report is made):

"(1) The program acquisition unit cost in constant base-year dollars and in current dollars.

"(2) In the case of a procurement program, the procurement unit cost in constant base-year dollars and in current dollars.

"(3) Any cost variance or schedule variance in a major contract under the program since the Baseline Report was submitted.

"(4) any changes from program schedule milestones or program performances reflected in the Baseline Selected Acquisition Report that are known, expected, or anticipated by the program manager.";

(4) subsection (c) is amended by—

(A) striking out clauses (1) (A) and (B) and inserting in lieu thereof the following:

"(A) that the program acquisition unit cost expressed in constant base-year dollars for the program has increased by more than 15 percent over the program acquisition unit cost for the program as shown in the Baseline Report;".

"(B) in the case of a major defense acquisition program that is a procurement program, that the current procurement unit cost expressed in constant base-year dollars for the program has increased by more than 15 percent over the procurement unit cost for the program as reflected in the Baseline Report; or";

(B) striking out "of" in clause (2)(A) and inserting in lieu thereof: "expressed in constant base-year dollars for";

(C) inserting "expressed in constant base-year dollars" immediately before "for the program" in subsection (c)(2)(B);

(5) subsection (d) is amended—

(A) striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) When a unit cost report is submitted to the Secretary concerned under this section with respect to a major defense acquisition program, the Secretary shall determine whether the current program acquisition unit cost expressed in constant base-year dollars for the program has increased by more than 15 percent, or by more than 25

percent, over the program acquisition unit cost for the program as shown in the Baseline Report.

"(2) When a unit cost report is submitted to the Secretary concerned under this section with respect to a major defense acquisition program that is a procurement program, the Secretary concerned shall, in addition to the determination under paragraph (1), determine whether the current procurement unit cost expressed in constant base-year dollars for the program has increased by more than 15 percent, or by more than 25 percent, over the procurement unit cost for the program as reflected in the Baseline Report.";

(B) by inserting immediately before "has increased" each time it appears in clause (3) the following: "expressed in constant base-year dollars";

(C) by striking out clause (3)(B) and inserting in lieu thereof the following:

"(B) except as provided in subsection (e), additional military construction; research, development, test, and evaluation; or procurement funds may not be obligated for acquisition contracts for the procurement of facilities, development prototypes, or hardware for such defense acquisition programs—

"(i) after the end of the 30-day period beginning on the day on which the Secretary makes such a determination, in the case of a percentage increase of more than 15 percent; or

"(ii) after the end of the 60-day period beginning on the day on which the Secretary makes such a determination, in the case of a percentage increase of more than 25 percent.";

(6) subsection (e) is amended—

(A) by inserting "(i)" immediately after "(d)(3)(B)"; by inserting "more than" immediately before "15 percent" and by striking out "(g)" and inserting in lieu thereof "(f)" in clause (1);

(B) by inserting "(ii)" immediately before "(d)(3)(B)" and by inserting "more than" immediately before "25 percent" in clause (2);

(C) by striking out clause (2)(A) and inserting in lieu thereof the following:

"(A) if the increase was due to termination or cancellation of the acquisition program or due to changes in the planned program as a result of congressional action, and the Secretary concerned submits to Congress, before the end of the 30-day period referred to in such subsection, a report containing the information described in subsection (f); or";

(D) by striking out "(g)" in clause (2)(B)(ii) and inserting in lieu thereof "(f)"; and

(E) by striking out clause (3) and inserting in lieu thereof the following:

"(3) The prohibition in subsection (d)(3)(B) on the obligation of funds for a major defense acquisition program shall cease to apply when the Secretary concerned submits the report as provided under subsection (e)(1) in the case of a determination of a more than 15 percent increase (as determined under subsection (d), or the Secretary concerned submits the report as provided under subsection (e)(1) and the Secretary of Defense submits the report as provided under subsection (e)(2)(B) in the case of a more than 25 percent increase (as determined under subsection (d).";

(7) by striking out subsection (f);

(8) by redesignating subsection (g) as subsection (f) and by amending subsection (f) as redesignated by this section—

(A) by striking out clause (I) and inserting in lieu thereof the following:

"(I) The type and date of the Baseline Report.";

(B) by striking out clause (K) and inserting in lieu thereof the following:

"(K) The current change and the total change, in dollars and expressed as a percentage, in the procurement unit cost, stated both in constant base-year dollars and in current dollars and the procurement unit cost for the succeeding fiscal year expressed in constant base-year dollars and in current year dollars."; and

(C) by inserting "or due to changes in the planned program as a result of congressional action" immediately after "the entire program" in clause (2);

(9) by adding the following subsection at the end thereof:

"(h) This section shall not apply to major defense acquisition programs until the first quarter of the fiscal year following the fiscal year in which the first production contract is awarded for the program.".

(b) The amendments made by this section shall take effect on January 1, 1985, and shall apply beginning with respect to reports for the first quarter of fiscal year 1985.

NAVY STOCK FUND CREDITS

SEC. 903. Notwithstanding the last sentence of section 2208(g) of title 10, United States Code, withdrawal credits may be issued to customer accounts in connection with the capitalization of aviation depot level repairable assets.

CONTINUED OPERATION BY THE SECRETARY OF DEFENSE OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

SEC. 904. (a)(1) Sections 208 and 302, subsection (e) of section 202 and subsection (f) of section 401 of the Department of Education Organization Act (20 U.S.C. 3418, 3442, 3412(e) and 3461(f)) are repealed.

(2) Section 419(a) of such Act (20 U.S.C. 3478(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)", and

(B) by striking out paragraph (2).

(3) Section 503(a) of such Act (20 U.S.C. 3503(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)", and

(B) by striking out clause (2).

(4) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 208 and 302.

(5) Section 414(b) of such Act (20 U.S.C. 3474(b)) is amended by striking out "302".

(6) Section 508(f) of such Act (5 U.S.C. 5316) is amended by striking out "(38) Administrator of Education for Overseas Dependents, Department of Education".

(b) The second sentence of section 1410(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 928(b)) is amended by striking out "The Secretary of Education, in consultation with the Secretary of Defense" and inserting in lieu thereof "The Secretary of Defense".

(c) Section 1402 of the Department of Defense Education Act of 1978 (20 U.S.C. 921) is amended by inserting the following new subsection:

"(c) The Secretary of Defense, in his discretion, may request the Secretary of Education to provide information, advice and technical support concerning educational programs and practices.".

(d) Section 1411(a) of the Department of Defense Education Act of 1978 (20 U.S.C. 929(a)) is amended to read as follows:

"(a) There is established in the Department of Defense an Advisory Council on Dependents' Education (hereinafter in this section referred to as the 'Council'). The Council shall be composed of—

"(1) the Assistant Secretary of Defense for Manpower, Installations, and Logistics (hereinafter in this section referred to as the 'Assistant Secretary'), who shall be the chairman of the Council;

"(2) twelve individuals appointed by the Assistant Secretary, who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, sponsors of students enrolled in the defense dependents' education system, and one student enrolled in such system.

"(3) representatives from overseas military commands and from educational institutions as designated by the Assistant Secretary; and

"(4) one individual appointed by the Secretary of Education.

"The Director shall be the Executive Secretary of the Council".

(e) Section 1411(b)(1) of such Act (20 U.S.C. 929(b)(1)) is amended by striking out "Secretary of Education" and inserting in lieu thereof "Assistant Secretary".

(f) Section 1411(c) of such Act (20 U.S.C. 929(c)) is amended—

"(1) by striking out "at least four times each year" and inserting in lieu thereof "not more than four times each year";

"(2) by striking out clause (2);

"(3) by redesignating clauses (3), (4), and (5) as clauses (2), (3), and (4), respectively; and

(4) by striking out "Secretary of Education" in clause (4) (as redesignated in clause (3) of this subsection) and inserting in lieu thereof "Assistant Secretary".

RECIPROCAL COMMUNICATIONS SUPPORT

SEC. 905. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following:

§ 2401. Reciprocal communications support

"(a) The Secretary of Defense, subject to the concurrence of the Secretary of State, may enter into an agreement with the government of any allied country or with any international organization whereby the United States agrees to provide communications support and related supplies and services to such country or international organization in return for the reciprocal provision to the United States of an equivalent value of communications support and related supplies and services to such country or international organization.

"(b) Any agreement entered into under the authority of this section shall require that any accrued credits and liabilities resulting from an unequal exchange of communications support and related supplies and services during the term of such agreement shall be liquidated by direct payment to the party having provided the greater amount of communications support and related supplies and services. Payments received by the United States shall be credited to the appropriation or fund from which such communications support and related supplies and services have been provided.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"2401. Reciprocal communications support.".

REPEAL OF PROHIBITION OF CONSOLIDATION OF FUNCTIONS OF MILITARY TRANSPORTATION COMMANDS

SEC. 906. Section 1110 of the Department of Defense Authorization Act, 1983, is repealed.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., March 6, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith legislation, "To authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes."

In accordance with section 1110 of title 31, United States Code, we are also submitting herewith, as separate legislation, a similar request for authorization of appropriations for fiscal year 1986.

These proposals are part of the Department of Defense legislative program for the 98th Congress and the Office of Management and Budget advises that enactment of these proposals would be in accord with the program of the President.

Title I provides procurement authorization for the military departments and for the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1985. It contains a provision that extends for fiscal year 1985 the authority to waive certain costs in connection with the NATO AWACS program.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the military departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1985. The authorization contains a provision that authorizes the appropriation of funds that are necessary to cover increased pay costs and other employee benefits to preclude the necessity of submitting a request for supplemental authorization for such non-discretionary personnel costs.

Title III provides for authorization of the operation and maintenance appropriations of the military departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1985. The authorization includes a provision that authorizes the appropriation of funds that are necessary to cover increased pay costs, unbudgeted increases in fuel costs, and inflation in the cost of activities covered by title III.

Title IV provides for the authorization of appropriations for the purpose of providing capital for working-capital funds of the military departments and the Defense in amounts equal to the budget authority included in the President's budget for fiscal year 1985.

Title V prescribes the end strengths for active duty personnel in each component of the armed forces as required by section 138(c)(1) of title 10, United States Code, in the numbers provided for by the budget authority and appropriations requested for these components for fiscal year 1985.

Title VI provides for average strengths of the Selected Reserve of each reserve component for the armed forces as required by section 138(b) of title 10, United States Code, in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's budget for fiscal year 1985. Title VI also prescribes the end strengths for reserve component members on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components.

Title VII provides for civilian personnel end strengths for the Department of Defense as required by section 138(c)(2) of title 10, United States Code, in a number equal to that provided by the budget authority in appropriations requested for the Department of Defense in the President's budget for fiscal year 1985.

Title VIII provides for the average military training student loads as required by section 138(d)(1) of title 10, United States Code, in the numbers provided for this purpose in the President's budget for fiscal year 1985.

Title IX consists of six general provisions. Section 901 amends section 139a of title 10, United States Code, relating to Selected Acquisition Reports. Section 902 amends section 139b of title 10, United States Code, relating to Unit Cost Reports. Section 903 authorizes the making of withdrawal credits in connection with the capitalization of aviation depot level repairable assets in the Navy Stock Fund. Section 904 amends parts of the Department of Education Organization Act relating to the transfer of the Defense Dependent's Education System to the Department of Education. Section 905 adds a new section 2401 to title 10, United States Code to authorize the provision of reciprocal communications support, supplies and services. Section 906 repeals section 1110 of the Department of Defense Authorization Act, 1983 which prohibits the consolidation of the functions of the military transportation commands.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.

Enclosures.●

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 555, a bill to stop the proliferation of "cop-killer" bullets.

S. 1504

At the request of Mr. BENTSEN, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1504, a bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1795

At the request of Mr. MOYNIHAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1795, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction.

S. 1980

At the request of Mr. MURKOWSKI, the names of the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Florida (Mrs. HAWKINS), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 1992

At the request of Mr. CHAFEE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2115

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2115, a bill to amend provisions regarding the executive exchange program.

S. 2165

At the request of Mr. DANFORTH, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2218

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arkansas (Mr. PRYOR), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 2218, a bill to continue in effect the certification requirements with respect to El Salvador until the Congress enacts new leg-

islation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

S. 2232

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska (Mr. EXON), was added as a cosponsor of S. 2232, a bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation, investment tax credit, and deductions allowable for luxury automobiles.

S. 2266

At the request of Mr. CRANSTON, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2292

At the request of Mr. GORTON, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2292, a bill to provide for continued access by the Federal Government to land remote sensing data from satellites, and for other purposes.

S. 2338

At the request of Mr. HEINZ, the names of the Senator from Illinois (Mr. PERCY), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2338, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

S. 2378

At the request of Mr. ABDNOR, the names of the Senator from Nebraska (Mr. EXON), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 2378, a bill to provide authorizations of appropriations for the impact aid program under Public Law 874 of the 81st Congress, and for other purposes.

SENATE JOINT RESOLUTION 29

At the request of Mr. MATHIAS, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Joint Resolution 29, a joint resolution to prevent nuclear testing.

SENATE JOINT RESOLUTION 221

At the request of Mr. WEICKER, the names of the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Joint Resolution 221, a joint resolution to honor the contribution of blacks in the American Revolution.

SENATE JOINT RESOLUTION 229

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Joint Resolution 229, a joint resolution to proclaim the week beginning April 22, 1984, as "National Dance Week."

SENATE JOINT RESOLUTION 231

At the request of Mr. DODD, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. D'AMATO), the Senator from Nevada (Mr. HECHT), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Indiana (Mr. LUGAR), the Senator from Rhode Island (Mr. PELL), the Senator from Indiana (Mr. QUAYLE), the Senator from Tennessee (Mr. SASSER), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

SENATE JOINT RESOLUTION 241

At the request of Mr. D'AMATO, the names of the Senator from Alaska (Mr. STEVENS), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of Senate Joint Resolution 241, a joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. HEINZ, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Joint Resolution 242, a joint resolution to designate May 12, 1984, as "National Hospital and Health Care Worker Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 21, 1984, as "Hawaii Statehood Silver Jubilee Day."

SENATE JOINT RESOLUTION 251

At the request of Mr. ARMSTRONG, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Georgia (Mr. MATTINGLY), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Joint Resolution 251, a joint resolution providing for the convening, whenever the legislatures of two additional States pass a resolution to hold such a convention, of a constitutional convention for the purpose of proposing an amendment relating to the balancing of the Federal budget.

SENATE JOINT RESOLUTION 252

At the request of Mrs. HAWKINS, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Joint Resolution 252, a joint resolution to designate May 25, 1984, as "Missing Children Day."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE RESOLUTION 74

At the request of Mr. PELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people on Taiwan.

SENATE CONCURRENT RESOLUTION 97—GOALS AND CONDITIONS ON AID TO CENTRAL AMERICA

Mr. DURENBERGER (for himself, Mr. INOUYE, and Mrs. KASSEBAUM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 97

Whereas the Central American Democracy, Peace and Development Initiative Act of 1984 recognizes the need for a "consistent and coherent policy which includes a long-term commitment of both economic and military assistance";

Whereas the Act specifies that this policy should be designed "to support actively democracy, political reform and human rights; to promote equitable economic growth and development; to foster dialogue and negotiations to achieve peace based upon the objectives of democratization, reduction of armament, and end to subversion and the withdrawal of foreign forces and advisors; and to provide a security shield against violence and intimidation"; and

Whereas both Congress and the National Bipartisan Commission on Central America have recognized that our assistance must be made conditional on acceptable progress toward these goals in order to foster stability and reduce the potential for subversion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should not furnish assistance authorized by the Central America Democracy, Peace and Development Initiative Act to any Central American country unless the furnishing of such assistance is specifically authorized by law.

SEC. 2. (a) For purposes of section 1, the phrase "specifically authorized by law" means an authorization contained in a joint resolution which—

(1) approves the obligation or expenditure of a certain amount of funds during the remainder of fiscal year 1984 or any six-month period thereafter;

(2) was considered in the House of Representatives and the Senate in accordance with subsection (b); and

(3) was enacted into law.

(b) The consideration of a joint resolution referred to in subsection (a) is a joint resolution accorded congressional priority proce-

dures under section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and which, when reported from committee or within 24 hours of being discharged from committee, is accompanied by a report from the appropriate committee which outlines past and anticipated progress in each of the recipient countries toward the goals set forth in title I of the Central America, Democracy Peace and Development Initiative Act, including—

(1) the particular plans developed by each recipient government in order to implement such goals;

(2) the committee's assessment of the likelihood that such goals can be accomplished and of extra-national factors that may constrain achievement of such goals;

(3) the plans of the United States Government, and the views of the executive branch, clearly identified as such, with respect to the long-range furnishing of assistance to each recipient country; and

(4) progress toward such goals as the committee may feel appropriate and progress toward—

(A) the establishment of unconditional discussions among various parties in dispute throughout Central America;

(B) the observance of free and regular elections;

(C) the curtailment of press censorship and other intrusions on the rights of free speech and assembly;

(D) the curtailment of hostile acts against neighboring countries;

(E) the establishment of an independent and functional judicial system;

(F) the curtailment of acts of violence and other abuses of human rights against citizens of the recipient countries; and

(G) the curtailment of capital flight, the implementation of agricultural reform, the curtailment of diversion of assistance funds, and other measures of economic stabilization.

SEC. 3. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. DURENBERGER. Mr. President, once again, Central America is at the top of our agenda. Once again, we face the same complex, challenging, and urgent set of questions with which we have been dealing, on and off, for the past few years.

We will take up this recurring question in the context of a dizzying array of events over the past few months. Since we last debated this issue, we have seen the filing of the report of the National Bipartisan Commission on Central America. We have seen massive military exercises undertaken in Honduras. We have seen detailed press accounts of operations which we still call covert. We have seen the continuing and sickening litany of atrocities which constitute daily political fare in El Salvador. We have seen the Marxist government of Nicaragua continue its consolidation, sharpen its rhetoric, and improve its methods of repression and subversion. And, most recently, we have seen the administration fail in its attempt to bypass congressional debate over additional funding.

Perhaps most importantly, Mr. President, we have seen over the past few years the failure of the certification process which we had hoped would both put teeth into the linkage between aid and performance and would as well permit Congress to be informed about events.

I am today submitting, along with Senators INOUYE and KASSEBAUM, a concurrent resolution which is designed to get our policy off the dime.

The essence of our resolution is to require that, every 6 months, Congress take up the issue of our policy toward the entire region of Central America, and either approve or alter the funding requests contained in the Central America Democracy, Peace and Development Initiative Act of 1984.

It is our presumption that far too little is really known about the complexity of events in Central America, and that Congress has for too long simply been abrogating its responsibility to understand, oversee, and help shape our policy. The certification process on which we relied for so long was little more than an invitation to the President to check off some boxes every few months while the money went forward. We want to cure that.

Ours is neither a proadministration nor an antiadministration resolution. It is designed to bolster and support those policies which merit such support, and to alter or cut short those policies which fail. It is designed to let individual Members of Congress draw their own conclusions about our policy in Central America after a fair and full hearing. As one who has a longstanding familiarity with Central America, and as one who has generally been supportive of the overall policy aims of the administration, I feel confident that this resolution can do nothing except strengthen our efforts in Central America and provide the margin of confidence which will be needed if we are to implement the Central American Initiative.

The Kissinger Commission made abundantly clear that time is at a premium in Central America, a region caught in a race between repression and reform. We cannot afford business as usual. We need a policy, and we need some hope of success. Thus far, that policy has been unclear to many of us and the hope of success has dimmed as events have appeared to be moving toward stalemate.

As the Commission made abundantly clear, our only hope of success lies in fostering consistent, significant, and regular reform. If we fail in this, or if our efforts backfire regardless of how well intended, we have no hope of preventing both a period of major violence and an opportunity for the Soviets and Cubans to make our failure their gain.

This, of course, is why so many Senators have been concerned about conditioning our assistance on some tangible signs of progress, particularly with respect to human rights. Conditionality is a sensible approach to our overall policy, a point made as clear by the Vice President in his courageous remarks in San Salvador as by the Kissinger Commission itself.

But in the past, we have let our concern over conditionality become a debate over the device certification. In other words, we have confused a goal with an instrument. Moreover, I feel that we have allowed a complex set of issues involving many countries to become defined as a comparatively simple issue involving only one. By trying to define human rights in terms of specific criteria—and the list of criteria seems to grow longer every day—we lose sight of the larger issue. And by confining our attention only to El Salvador, we lose sight of the fact that El Salvador commands our attention primarily because it is one nation among several in a critical region. So in numerous respects, our attempts at implementing conditionality have been artificially narrow.

But there is a more serious problem with the certification approach. Simply put, this approach has been an invitation for Congress to step away from its responsibilities. As the device was crafted, it called for the filing of a set of "findings" on a regular basis by the President. Once those findings were filed, regardless of their content, money flowed more or less automatically. All that was involved was a Presidential "check-off" in the right boxes. Congress played virtually no role, except to comment without effect.

I strongly believe that the day-to-day direction of our foreign policy must be set by the executive branch through the President. We are often reminded that we cannot afford to have 535 extra Secretaries of State, and that is good advice.

But we cannot take this sensible advice to the extreme of saying that Congress has no role to play in foreign policy or that only the appointees in the executive branch have the requisite information and expertise. We have learned too hard and too well the hazards of that kind of deference.

Our foreign policy relies on the support of the public for its success. It was in recognition of this core reality that the Constitution vested oversight and funding authority in the Congress. And if the Congress chooses to abrogate its responsibilities—as it has done—our policy suffers.

If our policy is to succeed, it requires that the American people, and the Congress, draw informed conclusions from a thorough study of the issue. To do so requires debate. And debate is an active enterprise, not a passive reaction to the findings of others. We must each draw our own inferences from as wide an array of information as possible if we are to help foster and

support the kind of long-range policy called for by the Kissinger Commission. We simply cannot afford to let others draw those inferences and conclusions for us, and we certainly cannot afford to view this complex but crucial issue through a narrow prism. We have got to begin the difficult task of developing a regional viewpoint. Nobody else can do that for us. We must do it ourselves.

In other words, I am concerned that we have failed in more than the constitutional responsibilities which might strike some as either abstruse or debatable. My concern is not simply academic. We have failed in our duty to help create and support policy as well. The losers will be both the people of this country and the people of Central America.

But having said this, let me add that we are not alone in the failure of this country to develop a regional policy which is more than simply the aggregation of several bilateral policies. We are not alone in the failure to make our policy clear to the people who must ultimately support it. We are not alone in the failure to provide to our policy the sense of vision and long-range plans called for by the National Bipartisan Commission.

There is plenty of blame to go around, and the administration cannot escape its share. I must question just how seriously the administration takes the call for a long-range policy of reform when it has yet to inundate the Congress with its lobbyists, as it did when it wanted to see adoption of the Scowcroft Commission recommendations. I must question whether the administration seeks a bipartisan policy, as called for by the Commission, when it resorts to the kind of ill-fated end runs which it attempted last week to its own chagrin and the chagrin of those who support it. I must question whether the administration understands just how much peril its plans face in this Congress.

So there is no gainsaying the fact that our policy in Central America faces a crucial test over the next few months. The test is two-fold. First, Congress has got to quit ducking the issue, relying on somebody else to do its job for it while it seeks the short-range benefits of criticism and headlines without the offsetting burden of responsibility. We can no longer just play to the gallery on this one. Second, the administration has simply got to come to grips with the fact that, like it or not, its policy is in serious trouble and it will succeed only to the extent that it begins to treat Congress as a partner rather than an irrelevant and noisome collection of amateurs. The sad fact is that, in Central America, we are all amateurs, for our policy toward this region has for nearly two centuries been one of neglect punctuated by periods of panic.

Very simply, our resolution would require that Congress, on a semi-annual basis, take up the entire issue of our regional policy and its progress. Every six months, Congress would be provided by the appropriate committees with a comprehensive report covering everything from the plans of nations which receive our aid to an assessment of those plans. While the resolution does specify some indicators which should be covered in the semi-annual report, it does not seek to limit the contents. In other words, we are asking the Foreign Relations Committee, in consultation with such other authorities as it might deem fit, to provide a regular and comprehensive look at exactly what is going on in Central America.

But our resolution does not stop with a report. It requires that after Congress has been provided with its semi-annual reports, it proceed to a debate on further funding for each of the recipient countries. This debate will culminate in a vote on a joint resolution authorizing expenditures for the next six months.

In other words, under the terms of our resolution, Congress will be compelled—for the first time—to debate Central America on a regular, consistent, and comprehensive basis. Members will no longer have the luxury of comment without effects or headlines without responsibility. Discussion will focus on more than one issue or one country. And the administration will no longer have the free ride which it has been getting because Congress has been unwilling or unable to meet its own responsibilities.

So, on balance, Mr. President, there is something in this bill for everybody. For Congress, there is the opportunity to take a regional look at a regional policy, and to do something about it. For the administration, there is the opportunity to see the issues debated in all their complexity, rather than constrained to whatever happens to be the latest headlines. And for the people of Central America, there is the opportunity to see the U.S. political system begin to treat this issue with the seriousness it deserves.

SENATE CONCURRENT RESOLUTION 98—COMMENDING THE STATUE OF LIBERTY-ELLIS ISLAND CENTENNIAL COMMISSION

Mr. QUAYLE (for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. MOYNIHAN, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 98

Whereas the Statue of Liberty is a symbol of freedom, hope, and opportunity around the world;

Whereas the Statue of Liberty welcomed millions of immigrants to a new land and a new home;

Whereas the Statue of Liberty, a gift from France, is a monument to the friendship between the peoples of France and the United States of America;

Whereas the Statue of Liberty has been ravaged by time and the elements and is in a serious state of disrepair;

Whereas the President has appointed a twenty-member commission to raise funds for the restoration and preservation of the Statue of Liberty and Ellis Island and to plan centennial celebration events for 1986;

Whereas a contribution of $1 from every American would meet the fundraising goals of the Commission; and

Whereas school children have been enthusiastic in supporting the fundraising campaign: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Statue of Liberty-Ellis Island Centennial Commission be commended for its efforts to fulfill the goals of restoring and preserving the Statue of Liberty and Ellis Island; establishing a lasting memorial to the immigrants who created America; planning and implementing centennial celebration events; developing plans to ensure continuing support of the Statue of Liberty-Ellis Island national monument after the centennial celebration; and raising $230,000,000 to accomplish these goals.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Statue of Liberty-Ellis Island Centennial Commission.

● Mr. QUAYLE. Mr. President, today I am submitting a concurrent resolution to commend the activities of the Statue of Liberty-Ellis Island Centennial Commission. Joining me as original cosponsors are Senator BRADLEY, Senator D'AMATO, Senator MOYNIHAN, Senator LAUTENBERG. The commission, headed by Lee Iacocca, is charged with specific goals in restoring, preserving, and commemorating the Statue of Liberty and Ellis Island.

The activities of the commission were brought to my attention by the principal of Cowan Elementary School in Muncie, Ind. The students at Cowan Elementary School have initiated a fundraising campaign to contribute to the Commission's efforts to preserve the Statue of Liberty. In a letter I received from Principal Michael L. Osha, I was made aware of the activities that the school will undertake to raise funds for the preservation of the Statue of Liberty. In the words of Mr. Osha:

We are hopeful that in addition to participating in the fundraising, the youth of our school will be inspired to learn more about their ancestors and what they did to build our country.

This is a laudable goal, and one which I, for one Senator, would like to see emulated widely. Further in his letter, Mr. Osha requests that Congress encourage these efforts to preserve the symbols of our freedom and liberty. Today, I am responding to Mr.

Osha's request and introducing this commemorative resolution.

Mr. President, I ask unanimous consent that Mr. Osha's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COWAN ELEMENTARY SCHOOL,
Muncie, Ind., January 6, 1984.

Senator J. DANFORTH QUAYLE,
Washington, D.C.

DEAR SENATOR QUAYLE: Our school would like to take this opportunity to inform you of a pilot project of one of the most unique undertakings in American History.

Cowan Elementary School has initiated a fund raising campaign, we feel one of the first schools in the State of Indiana, to help save the Statue of Liberty.

The most powerful symbol of our nation's liberty is in a serious state of disrepair.

In the weeks to come many activities will take place in our school to make a contribution to the Statue of Liberty Foundation.

We believe that young people of the United States should be involved in this patriotic project and are hopeful that in addition to participating in the fund raising, the youth of our school will be inspired to learn more about their ancestors and what they did to build our country.

Many schools across our Nation have already developed ideas and programs. We at Cowan Elementary are generating our own local programs and also have come up with ways to gain our community's financial support.

We are hopeful that students all over the State of Indiana will be able to participate in this worthy cause.

We would be grateful for your interest and hope you will encourage, perhaps by Congressional bill, others to become involved in helping the Statue of Liberty Foundation to restore and preserve this symbol of American greatness.

It is a fight to keep alive a symbol that, for nearly one hundred years, has given form and substance to one of the most powerful forces within man: the desire to be free.

Sincerely,

MICHAEL L. OSHA,
Principal.

Mr. QUAYLE. Mr. President, the formation of the Statue of Liberty-Ellis Island Centennial Commission was announced by President Reagan on May 18, 1982. The goals of the Commission are: First, to restore and preserve the Statue of Liberty and Ellis Island; second, establish a lasting memorial to the immigrants who created America; third, plan and implement centennial celebration events; fourth, develop plans to insure continuing support of the Statue of Liberty-Ellis Island National Monument after the centennial celebration and; fifth, raise $230 million to accomplish these tasks.

The Statue of Liberty was a gift from the people of France to the people of the United States. The statue, which cost $400,000 to build, was paid for by contributions from the French people. On July 4, 1884, the completed statue was presented to the American Ambassador by the people of France. Then, it was dismantled and shipped to America in the summer of 1885.

To build a pedestal for the statue and install it on what is now Liberty Island $270,000 was needed. This money was raised by Americans, and significant contributions came from America's schoolchildren. As Mr. Osha's letter indicates, once again America's schoolchildren are responding to the statue's needs by organizing fundraising events.

The Statue of Liberty today is in a sad state of disrepair, and unfortunately, the coffers of the U.S. Treasury do not have the millions to share that are necessry for its restoration. Instead, we must call upon the generosity and patriotic spirit of our citizens to fill this need.

The Statue of Liberty stands as a symbol of freedom and hope throughout the world. Millions of immigrants passed by the statue in search of new and better lives in a different land. Between 1892, when Ellis Island became the official entry point to America, and 1954, the year its doors closed, Ellis Island hosted more than 70 percent of the 24 million immigrants entering the United States. The tie between the Statue of Liberty and the immigration to our shores in search of freedom was immortalized by Emma Lazarus in her sonnet "the New Colossus." I am sure we are all familiar with the final lines:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these the homeless, tempest-tost to me,
I lift my lamp beside the golden door.

The official name of the Statue of Liberty is "Liberty Enlightening the World." The light of freedom and independence must never be extinguished. To this effort the schoolchildren of Muncie have dedicated themselves in raising money to preserve our symbol of liberty. I commend them for it, and I commend the Commission for giving of their valuable time and experience in organizing this effort. I sincerely hope that millions of other Americans will follow the example of the Commission and the schoolchildren of Muncie, Ind. This would be a fitting tribute to the American spirit and our ideals of freedom and individual liberty.●

● Mr. BRADLEY. Mr. President, for the ancestors of nearly half of America, an upraised arm holding a torch was the first and deepest impression of this land of freedom, liberty, and opportunity. Few landmarks in this country more powerfully symbolize the foundation of our society. Majestically rising from New York Harbor, the Statue of Liberty represented a hope, a new beginning for the millions who escaped tyranny, persecution, and poverty in distant lands around the turn of the century. Sadly, the statue today stands ravaged by time and the elements. Nearly 100 years of exposure to salt air and climatic extremes has left the Statue of Liberty in a state of serious deterioration; her iron framework corroding, her copper skin literally eaten away. The U.S. first immigration building at Ellis Island which, until 1954, received the "huddled masses yearning to breathe free," sits crumbling, vandalized, and nearly forgotten.

In 1886, the people of France, through private contributions, raised $250,000 to construct and present the Statue of Liberty to the people of the United States. The American people provided another $270,000 to construct the statue's pedestal. To continue that tradition, a 20-member Commission has been established to raise the necessary $230 million through private contributions to renovate the statue and create a museum at Ellis Island. The concurrent resolution that is introduced today commends the efforts of the Statue of Liberty-Ellis Island Commission in working toward the restoration and preservation of these two national treasures. I believe that America will respond to this challenge and see to it that the flame that symbolizes liberty is never extinguished.●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources for Wednesday, March 21, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building. This oversight hearing will be on the report of the Commission on Fair Market Value Policy for Federal Coal Leasing. Testimony will be received by Commissioner Linowes and the other members of the Commission.

For further information regarding this hearing, you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Conservation and Supply to consider H.R. 3169, to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries.

The hearing will be held on Thursday, March 22, beginning at 10 a.m. in

room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Conservation and Supply, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tom Winn of the subcommittee staff at 224-4236.

SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION

Mrs. HAWKINS. Mr. President, as chairman of the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture, Nutrition, and Forestry, I wish to announce that a hearing has been scheduled on legislation to amend the Rural Electrification Act of 1936.

The hearing will be held on Tuesday, March 20, 1984, at 9:30 a.m. in room 328-A, Senate Russell Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public field hearings before the Subcommittee on Energy and Mineral Resources.

On Tuesday, April 17, the subcommittee will hold an oversight hearing in Sparks, Nev., on geothermal power development in the Great Basin. The hearing will begin at 9 a.m. in the Sparks City Council Chambers, located at 431 Prater Way, Sparks, Nev. Those wishing to testify or who wish to submit written statements for the hearing record should contact either Mr. Bob Terrell or Mr. Roger Sindelar, Subcommmittee on Energy and Mineral Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510, telephone: 202-224-5205; or Mr. Bill Farr, Office of Senator HECHT, 300 Booth Street, Suite 2014, Reno, Nev. 89502, telephone: 702-784-5007.

For further information regarding this hearing, please contact Mr. Terrell, Mr. Sindelar or Mr. Farr at the above-listed numbers.

On Wednesday, April 18, the subcommittee will hold an oversight hearing in Richlands, Va., on the implementation of the Surface Mining Control and Reclamation Act of 1977 in the Appalachian coal region. The hearing will begin at 9 a.m. in the Russell Hall Auditorium, of the Southwest Virginia Community College, located 10 miles south of Richlands, Va., on State Route 19. Those wishing to testify or who wish to submit written statements for the hearing record should contact Mr. Roger Sindelar, Subcommittee on Energy and Mineral Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Witnesses should submit 25 copies of their written statements either to the subcommittee office by close of business on Monday, April 16 or at the hearing on April 18. The hearing record will be left open for 2 weeks after the day of the hearing for those unable to attend the hearing or who wish to submit additional comments for the hearing record. It is anticipated that, because of the subject of the hearing, a large number of witnesses may request the opportunity to appear publicly before the subcommittee; therefore, witnesses may be placed in panels and oral testimony may be limited in time.

For further information regarding this hearing, please contact Mr. Roger Sindelar at the above-listed number.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be deemed to have been authorized to meet during the session of the Senate on Monday, March 12, in order to receive testimony concerning S. 1841, National Productivity and Innovation Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare, of the Committee on Armed Services, be deemed to have been authorized to meet during the session of the Senate on Monday, March 12, to receive a briefing on Air Force programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition, of the Committee on Agriculture, Nutrition, and Forestry, be deemed to have been authorized to meet during the session of the Senate on Monday, March 12, to hold a hearing to consider reauthorization of certain child nutrition programs and provisions of S. 1913.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HAWAII SILVER JUBILEE

● Mr. D'AMATO. Mr. President, it is with great pleasure that I join today as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 21, 1984, as "Hawaii Statehood Silver Jubilee Day."

In the 25 years since statehood was granted to Hawaii, this State has contributed mightily to the economic, defensive, and cultural vitality of our Nation. The people of "The Aloha State" stand as a proud example of Americans who fondly embrace their past, while boldly facing the challenges of the future.

Belying the natural scenic wonders that distinguish Hawaii as one of our most dramatically beautiful States is the vital role the State plays in our national defense. In a very real sense, Hawaii is the nerve center of our Nation's defense capabilities in the Pacific basin, typified by the Oahu headquarters of the CINCPAC command for all U.S. forces in the Pacific, Far East, and Southeast Asia. Over 120,000 military personnel and their dependents call this garden spot home, with principal command facilities representing all branches of the Armed Forces.

But the Hawaiian commitment to strong national defense cannot be measured by mere military facilities. The people of our Nation's 50th State have demonstrated admirable gallantry in fighting for the cause of freedom. Before statehood was granted the men of Hawaii fought bravely in World War II and the Korean conflict. During the Second World War, while racial prejudice wrought havoc with the populations of many States, the 442d Regimental Combat Team, comprised largely of second generation Americans of Japanese descent from Hawaii, became the most decorated outfit in the entire war. During the fighting in Korea, Hawaii bravely shouldered a large share of the manpower burden in the initial stages of the conflict. Hawaii suffered more military casualties per capita than any State in the Union.

In the postwar era, Hawaii has used an industrious approach to fashion a sizable and unique position in our Nation's economy. Considering the natural beauty of the islands, it is easy to understand why tourism contributes substantially to the State's economic propriety. Sugar and pineapple, those sweet commodities that all Americans find hard to resist, continue to function as profitable agricultural mainstays. As a major Federal defense center, the contribution of thousands of Government workers to the economic well-being of the State cannot be underestimated.

Yet Hawaii is far from exclusivly dependent upon traditional means to infuse vitality into its economy. Because it relies upon imported petroleum for its energy needs, Hawaii is one of the leading States in alternative energy research. Space-age satellite tracking and communication facilities bring modern technology to the island. Oceanographic research helps Hawaii

better understand its natural surroundings and perfect new techniques in aquaculture.

Hawaii's contributions to our Nation's defense and economy, though very significant, do not compare with what I believe is the greatest contribution of "The Aloha State" to the American experience: Namely, the Hawaiian people.

The Hawaiian population represents a unique blend of youth and cultural diversity. More than half of the people are under 30 years old. No single racial or ethnic group constitutes more than 30 percent of the population. The result has been a multiracial society that can be admired for its harmony, assimilation, and desire to retain the benefits of a wide range of rich cultural histories.

This wonderful population has brought forth a number of outstanding American political figures in the 25 years of statehood. The determined and courageous efforts of John A. Burns, congressional delegate and second Governor of Hawaii, contributed mightily to the positive votes in Congress in favor of our 50th State. Current Governor George Ariyoshi is continuing the remarkable record of political longevity that typifies Hawaii as he serves his third term. And reference to the key figures of Hawaii would be incomplete without homage to the State's two current Senators, DANIEL INOUYE and SPARK MATSUNAGA, both of whom have played integral roles in 40 years of Hawaiian history.

Mr. President, it is proper for this Congress and the American people to take special note of August 21, 1984 as the 25th anniversary of statehood for Hawaii. But, in actuality, Senate Joint Resolution 248 does more than honor one State on an admission day. This resolution can also serve to remind all Americans of the rich diversity, sacrifice, achievement, and dedication that separates our Union from other national experiences.●

COCHITI LAND RESTORATION—S. 2403

● Mr. BINGAMAN. Mr. President, I join my distinguished colleague, Senator PETE DOMENICI, in support of legislation that would restore land known as the Santa Cruz tract, to the Pueblo of Cochiti. Congressman BILL RICHARDSON introduced corresponding legislation in the House, H.R. 3259 on June 8, 1983, and the House passed the bill by unanimous consent on November 7, 1983. I am pleased that the Senate will also have an opportunity to act on the measure and hearings are scheduled for March 29, 1984, to allow public comment.

I have deliberated long and hard on this matter and am persuaded that in this particular instance congressional action is justified. In the past, Congress has restored land to Indian tribes where extraordinary and unique circumstances exist to warrant such action. In this instance, there are compelling facts demonstrating a long-standing Pueblo interest in the land with minimum impact on third parties.

As my colleague, Senator DOMENICI, has detailed in his statement, the Pueblo of Cochiti recently discovered a document that represents a Spanish Colonial Court decree which voided a land sale to the Spaniard Cabeza de Baca who allegedly obtained the land from the Pueblo by fraudulent means. Thus, the Cochiti Pueblo arguably never lost ownership in this land due to the Spanish Court affirmation of their interest. Had the document been available at the time of the court proceedings which litigated the Pueblo's right to ownership of the Santa Cruz tract, the judgment could have come down on behalf of the Pueblo, and Congress present intervention a moot point. Another important fact is that during the 1930's the Santa Cruz tract was originally purchased for the Pueblo, but later diverted to become part of the Santa Fe National Forest. The land in question has been predominantly used for grazing and a detailed history will be developed at the hearing.

In addition, the impact on third parties has been greatly lessened by the patient and diligent efforts of the Pueblo to work out equitable arrangements with the grazing permittees who have rights to surface use. Accommodations are also made in the bill for protection of preexisting interests and legal rights such as easements, rights of way, memorandums of agreement, and water rights appurtenant to the land.

Overall, when the public's interest is weighed against the unique facts supporting the Pueblo's claim, I conclude that in this particular case the legislation even-handedly protects all those concerned. The Cochiti Pueblo has for centuries recognized the tract as their homeland and they attach great religious and cultural value to it.

The Senate by passing this legislation would be making long overdue restitution to the Pueblo of Cochiti and I am in agreement that this legislation is the most equitable solution.●

HONORING THE MEMBERS OF THE STATUE OF LIBERTY-ELLIS ISLAND COMMISSION

● Mr. D'AMATO. Mr. President, I rise today to join my distinguished colleague from Indiana in honoring the members of the Statue of Liberty-Ellis Island Commission. These individuals are undertaking the much needed renovation of the Statue of Liberty. This great statue, a symbol both of freedom and the close relationship between the peoples of France and the United States, has been neglected for far too long and is now in desperate need of repair. By raising funds from a wide and varied cross-section of Americans, this Commission is beginning that renovation.

The spirit of voluntarism and patriotism that these people exhibit is indeed worthy of the highest praise. Many immigrants whose forefathers' first stop in this country was Ellis Island are members of this Commission and are working on this project because of the gratitude they feel for the opportunity afforded their families. Many others are doing this to honor the values which the Statue of Liberty represents. Actions such as these should not go unnoticed, especially when those who take such action do not do so seeking a reward.

New Yorkers are often chided for the chauvinism with which they view their great city. When I read the inscription on that noble monument, I must confess that chauvinism wells strong within me. And when I think of those people who care as I do for this statue, I feel proud for them as well.

Mr. President, my fellow Senators, clearly this is an undertaking which deserves our highest commendations. I urge all of you to join me in supporting this measure and passing it swiftly.●

THE HERMETIC, MACHO WORLD OF TELEVISION NEWS

● Mr. MATTINGLY. Mr. President, I wish to draw the attention of my colleagues to Mr. Jonathan Yardley's "Prejudices" column as it appeared in the Washington Post on Monday, March 5, 1984.

Headlined "The Press and the Public: Polls Apart," Mr. Yardley's column offers a penetrating analysis of what he views as the real reasons for the increasing use of early election vote projections by television's network news organizations.

Mr. President, I am not at all certain it would be either possible or desirable for Congress to attempt to legislate such predictions out of existence. Clearly, however, there would be some benefits from a public discussion of the current popular practice for the networks to triumphantly forecast election winners before the polls have closed based on information gleaned from questioning a sampling of the electorate as they leave the voting booths.

Predictably, the television news organizations have responsed to such mild examination with much bluster about the public's "right to know" and they have trotted out the usual expressions of concern about "muzzling" the press. Mr. Yardley opines that stated network concerns about possi-

ble first amendment infringements posed by such legitimate public inquiry serve only to disguise the true purpose behind the use of such electoral prophesies—the passionate pursuit of ratings points and advertising profits.

Yardley Notes:

In the hermetic, macho world of television news . . . competition is the name of the game. . . The vote projections exist not to inform us out there in the audience but to inflate the institutional egos of the network news organizations. . .

He continues.

The vote projections masquerade as news, but they're really just another way for the press to tell itself how wonderful and how important it is.

Mr. President, having heard all three networks call my opponent the victor in our 1980 Senate race, I am in a unique position to offer testimony on the fallibility of such predictions. More importantly, and yet to be thoroughly examined, is the impact such vote projections have on the electoral process itself. I commend the perceptive article to all my colleagues. I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 5, 1984]

THE PRESS AND THE PUBLIC: POLLS APART

(By Jonathan Yardley)

Persons who worry about the unpleasant odor currently clinging to the press will do well to give more than passing consideration to the minor controversy over "vote projections" on television news broadcasts. Though this does not seem to be a matter over which the public at large has become unduly exercised, it provides an especially revealing illustration of why the press is so widely regarded with suspicion and distaste.

Vote projections are those technological toys that have taken all the fun out of election night. In the good old days—and, hey, listen, they were good—people would huddle around the radio or television set for hours as the returns trickled in from hill-country Texas and downstate Illinois. The only way to determine the outcome of elections was, oddly enough, to count the votes; it was often a hard day's night before they were all in, but the suspense and camaraderie more than compensated for the long wait.

Now, thanks to entrance polls and exit polls and computerized analyses of voting patterns, we know what we've done before we've done it. Right around dinner time here comes Dan Rather, throbbing like a teen-ager in terminal heat, screeching that with 1 percent of the votes counted in Aroostock County, CBS News has projected that Maine will give 53 percent of its votes to Ronald McDonald. Since the nation goes as Maine goes, we can all turn the dial to reruns of "Gilligan's Island." Fun's over, folks.

But fun unfortunately is not the issue here. Among, politicians, there is widespread and genuine concern that the premature projection of winners and losers may discourage people from voting in areas where the polls are still open. Among members of the press, there should be—though apparently there is not—equally widespread and genuine concern that these projections are classic examples of the arrogant, self-serving behavior that has turned so many Americans, with ample reason, against those of us who bring the news.

It is the contention of various spokesmen for the networks specifically and the news business generally that any restriction on the reporting of vote projections would be an infringement of First Amendment "rights." The pertinent words in that amendment read as follows: "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ." Nowhere in those words, no matter how liberally or irresponsibly they are read, is there the slightest suggestion that these freedoms include a "right" to equate vote projections with actual election returns and to broadcast (or publish) them as such.

Yet this is precisely what the networks do. The various caveats offered by the breathless anchormen and breathless reporters—"Now, remember, these are only projections!" "Get out and vote, America!"—are nothing except smokescreens. The networks know that in all but a handful of cases their projections will hold up, and they know that we know it. They deal out just enough cautionary mumbo jumbo to placate their critics on Capitol Hill, and then they put the numbers on the screen.

One of those critics is Timothy Wirth, a Democratic congressman from Colorado who has taken a particular interest in mass communications. After the New Hampshire primary he said that he thought the networks "were all very careful to qualify their estimates" in reporting the election last Tuesday night, which actually seems true only in comparison with their unseemly haste the previous week in reporting on the Iowa primary; to all intents and purposes, after all, they gave New Hampshire to Gary Hart before the cocktail hour was over, which isn't exactly blushing reticence.

Wirth said that the matter is not susceptible to congressional resolution ("You can't legislate good judgment") and then made an important point: "The issue is what public good is achieved by early predictions and how that balances off against the harm when early predictions discourage voters." This is the question that gives the networks difficulty, no doubt because they know full well that the "public good" is just about the last thing on their minds when they send forth these projections.

There's plenty of talk, to be sure from network mouthpieces and others about "the public's right to know," as if this somehow were sufficient justification for announcing news before it has actually happened. But that's merely another smokescreen. What the talk is really about is the "right" of the network news organizations to compete with each other; these vote projections have nothing to do with serious reporting and everything to do with each news organization's desire to put points on the board against the others.

In the hermetic, macho world of television news, competition is the name of the game: Competition for ratings points and audience shares, competition for "prestige," competition for the bragging rights to P.J. Clarke's and the Italian Pavillion. Such is the capacity of the human mind for folly that being first by 33 seconds with a vote projection can become crucial to "winning" this competition and thus enjoying the heady thrills of triumph. Make no mistake about it: Being first is the purpose of the vote projections; the "public good," the "public's right to know," the "public interest"—these lofty matters have nothing at all to do with the networks' reasons for broadcasting them.

There could not be a more clearcut example of the bizarre assumption that the medium delivering the news is of greater consequence than the news itself. The vote projections exist not to inform us out there in the audience but to inflate the institutional egos of the network news organizations—to prove that CBS is faster than NBC, that ABC has better graphics than CBS, that NBC has more skillful pollsters than ABC. It is a "philosophy" of journalism the essence of which is: Watch what we do, not what we report.

This narcissistic view, which is by no means limited to television news, has much to do with the public's hostility to and distrust of the press. What it says to the public is: You don't matter, we matter; your votes don't count, our votes count. The vote projections masquerade as news, but they're really just another way for the press to tell itself how wonderful and how important it is. Small wonder the public feels otherwise.●

COMMEMORATING THE 100TH ANNIVERSARY OF ST. FRANCIS COLLEGE

● Mr. D'AMATO. Mr. President, I rise today to recognize an outstanding institution of higher education: St. Francis College in Brooklyn Heights, N.Y. St. Francis, established in 1884, continues to serve as one of this Nation's strong educational institutions. On May 4, 1984, St. Francis College will celebrate its 100th anniversary. I join in their celebration of this and their many other achievements.

St. Francis College is an independent, nonresidential, coeducational institution that serves a diverse student population. It is due to the dedication and hard work of the congregation of the Religious Brothers of the Third Order Regular of St. Francis that so many students have acquired an education at, and benefited from, this unique institution. This undergraduate school combines a liberal educational philosophy with the practical concerns of the community it serves.

St. Francis College provides degree programs in the arts, sciences, and other professional fields. It is chartered by the State of New York and accredited by the Middle States Association of Colleges and Schools. Bachelors' and associates' degrees are awarded at St. Francis College. Graduates of St. Francis can be found in positions and occupations throughout this country. Alumni serve in banks, educational institutions, accounting firms, law offices, and hospitals.

The Centennial Charter Day Convocation on May, 4, 1984, will initiate a year of events to commemorate the 100th anniversary of this exceptional school. Throughout the years, St. Francis College has done an outstanding job in preparing students for the challenges of tomorrow. Therefore, Mr. President, it is appropriate that there be a special tribute paid to St. Francis College.●

LABOR STANDARDS FOR U.S. EMPLOYERS IN SOUTH AFRICA

● Mr. RIEGLE. Mr. President, I rise today to direct my colleagues' attention to a document prepared by the American Law Division of the Congressional Research Service. Those Senators who will meet in conference this week with Members of the House regarding the Export Administration Amendments Act of 1983 (H.R. 3231) will have a particular interest in this report.

Title III of H.R. 3231 includes a section setting forth labor standards for American companies in South Africa. These standards are derived from the Sullivan principles developed by the Reverend Leon Sullivan several years ago. The House Foreign Affairs Committee report accompanying H.R. 3231 notes that these labor standards "do not require a different or higher standard of behavior for U.S. employers in South Africa than required for U.S. employers in the United States." The report prepared by the American Law Division of CRS confirms this assertion. In fact, it states that "in virtually every respect, the requirements of the proposed bill appear to be weaker and more limited than the comparable requirements of U.S. law."

As the ranking Democrat on the Labor Subcommittee, I have a great interest in any labor standards enacted into law. I hope that before my colleagues go into conference on this legislation, they will have a few moments to review this report. Mr. President, I submit for the RECORD the CRS report entitled "Labor Standards for U.S. Employers in South Africa Under H.R. 3231, 98th Congress."

The report follows:

LABOR STANDARDS FOR U.S. EMPLOYERS IN SOUTH AFRICA UNDER H.R. 3231, 98TH CONGRESS

This report sets forth a review of the labor standards provisions of Title III of the proposed "Export Administration Amendments Act of 1983," as passed by the House of Representatives on October 31, 1983, H.R. 3231, 98th Cong., 1st Sess. (1983). Title III is individually captioned the "United States Policy Toward South Africa Act of 1983." This review focuses on the analysis prepared by Labor Policy Association, Inc., on January 30, 1984 entitled "Special Memorandum: XII-I, Re: Analysis of Title III of H.R. 3231—the Export Administration Amendments Act of 1983." (Reference will be made to the foregoing analysis as "LPA Analysis"; references to H.R. 3231 will be to "the bill" or "the proposed bill.")

It is stated by the LPA Analysis that the labor standards in Title III of H.R. 3231 are inconsistent with U.S. law and practice in several important respects. On the other hand, the House Foreign Affairs Committee report accompanying the bill stated that the labor standards principles would not require a different or higher standard of behavior for U.S. employers in South Africa than required for U.S. employers in the United States. H.R. Rep. No. 257, Pt. 1, 98th Cong., 1st Sess. 30 (1983). This specific points of contention are set forth in the remainder of this report.

1. Section 312(a)(1): Desegregation in Employment Facilities: It is noted in the LPA Analysis that there is no inconsistency between this section and U.S. law.

2. Section 312(a)(2): Equal Employment: The LPA Analysis notes that, in general, there is no inconsistency between this provision and U.S. law. It is stated, however, that section 312(a)(2)(A) differs from U.S. law "because it requires that any health, accident or death benefits be open to all employees, both salaried and hourly," and that under U.S. law distinctions may be based on salaried or hourly status.

The language of the bill actually provides that benefit plans must be "*nondiscriminatory* and open to all employees, whether they are paid a salary or are compensated on an hourly basis" (emphasis added.) Although U.S. law permits distinctions based on hourly or salaried status, such distinctions are *not* permitted here such status is accorded in a racially discriminatory manner. Under one U.S. discrimination case, for example, the employer granted paid vacation to salaried employees, all of whom were white, but granted no vacations to hourly employees, the great majority of whom were black. The court found that the employer had discriminated against the black hourly paid employees because of race. *Williams* v. *Yazoo Valley-Minter City Oil Mill*, 469 F. Supp. 37, 52 (N.D. Miss. 1979). The actual language used in H.R. 3231 appears to incorporate this doctrine by requiring nondiscriminatory benefit plans; distinctions based upon hourly salaried status would not be permitted if those distinctions were based upon race. The bill does not appear to bar *nondiscriminatory* distinctions based on hourly or salaried status.

3. Section 312(a)(3). Equal Pay for Equal or Comparable Work: The LPA Analysis states that this section, which requires equal pay for all employees doing equal or comparable work, is in direct conflict with U.S. law. Reference is made to the Equal Pay Act of 1963, to the Supreme Court's decision in *County of Washington* v. *Gunther*. 452 U.S. 161 (1981), and to the District Court's decision *ASFCME* v. *State of Washington* (D. Wash., Dec. 14, 1983). These cases, however, dealt with the question of pay classifications based on sex rather than race. Defendants had argued that the equal pay for equal work standard of the Equal Pay Act limited pay claims under Title VII. It was not contended that pay differentials based on intentional racial discrimination were involved.

Moreover, in *County of Washington* v. *Gunther*, the Supreme Court did hold that the prohibition of sex-based wage discrimination in Title VII of the Civil Right Act is not restricted to claims of equal pay for equal work, but extends to claims that lower wages were paid to females because of intentional sex discrimination, even though no member of the opposite sex held equal but higher paying jobs. In short, the Court held that Title VII prohibits an employer from paying lower wages to females in jobs that are comparable but not equal to jobs held by males, where part of that differential in pay is attributable to intentional sex discrimination. The sole issue resolved by the Court in *Gunther* was that failure to satisfy the "equal pay for equal work" standard of the Equal Pay Act (29 U.S.C. § 206(d)) could not in itself preclude a proceeding for discrimination under Title VII. In other words, an employer who intentionally paid women a lower wage for jobs which were comparable in worth to different jobs held by men would not violate the Equal Pay Act, since the jobs were not equal. That employer, however, would violate Title VII, which makes it unlawful for any employer to discriminate against any individual with respect to compensation because of sex (29 U.S.C. § 2000e-2).

The Court in *Gunther* did not deal with the claim of comparable worth, but did permit the claimants to attempt to prove by direct evidence that their wages had been depressed because of intentional discrimination "consisting of setting the wage scale for female guards, but not for male guards, at a level lower than its own survey of outside markets and the worth of the job warranted." 451 U.S. at 166.

In the light of this background, the principles embodied in the proposed bill appear to be consistent with U.S. law. The bill would require the employer to establish equal pay for all employees doing equal or comparable work. As the Supreme Court has indicated in *Gunther*, U.S. employers are barred by Title VII from discriminatorily establishing systems of unequal pay for work of equal or comparable worth. The proposed bill clearly indicates that its equal pay standard means equal pay without regard to race. The bill requires:

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equally to all employees, *regardless of race*, who are engaged in equal or comparable work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and ingrade benefits so that all employees, *regardless of race*, who perform similar jobs are eligible for the same seniroity and ingrade benefits (emphasis added). Employers are thus required, under both existing U.S. law and under the proposed bill, to refrain from classifying or compensating employees in such a way that the differential in compensation for work of equal or comparable value is based upon the race of their employees.

It is further noted by the LPA Analysis that the bill "requires that employers review the distinction between hourly and salaried job classifications, and implement an equitable and unified system of job classification. This would result in government intervention in the evaluation and classification of employees which is directly contrary to the Equal Pay Act." As a full review of the proposed language indicates, the employer is required to develop a wage and salary structure "which is applied equally to all employees, regardless of race;" in addition, the employer must review the distinction between hourly and salaried employees and take that review into account in classifying jobs; and must eliminate inequities in seniority and ingrade benefits that are based on race. The obligation established by the bill would appear to be substantially the same as an employers obligation under U.S. law to refrain from practices which "discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race . . ." or which "limit, segregate, or classify his employees . . . in any way which would deprive or tend to deprive any individual of employment oppor-

tunities or otherwise adversely affect his status as an employee, because of such individual's race . . .". 29 U.S.C. § 20003-2(a).

In summary, it is unlawful under U.S. law, and would be unlawful under the proposed bill, for an employer intentionally to classify employees on an hourly and salaried on the basis of race; to establish discriminatory job classifications or to pay black employees at a lower wage scale than the worth of their jobs would warrant; or to maintain a seniority or ingrade benefits system that discriminates on the basis of race.

4. Section 312(a)(4): Minimum Wage Related to Cost of Living: The LPA Analysis states that H.R. 3231 "would require that minimum wage and salary structure be based upon a cost-of-living index".

It is clear that U.S. employers are subject to the statutory minimum wage established by the Fair Labor Standards Act of 1938. This minimum was initially set at 25 cents per hour in 1938 and has been gradually increased statutorily by Congress in successive amendments to its present rate of $3.35 per hour, effective January 1, 1981. 29 U.S.C. § 206(a)(1). The rate has been increased statutorily by Congress in response to increases in the cost-of-living index and the inflation rate, but has not been indexed to any rate.

The proposed bill adapts this principle to South Africa by requiring establishment of "a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families." (emphasis added). The bill does not mandate a specific minimum wage, as does U.S. law, and does not mandate periodic increases in such a rate. It does require employers to take employee needs into account in setting wages.

5. Section 312(a)(5): Increase in Representation of Blacks in White Collar Positions: Section 312(a)(5) mandates "increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs." The bill suggests several methods of accomplishing this goal, including training, recruiting, education, and time tables. It is stated by the LPA Analysis that this provision "exceeds U.S. law by requiring affirmative action in all circumstances."

It should be noted that the bill does not use the term "affirmative action" and does not impose numerical goals, percentage goals, or quotas. It should also be noted, moreover, that a substantial number of large U.S. corporations are subject to the affirmative action requirements of Executive Order 11246 in connection with government contract work.

6. Section 312(a)(6). Improve the Quality of Life Outside the Work Environment: This section, as noted in the House Report, does not correspond to U.S. labor law.

7. Section 312(a)(7): Recognition of Labor Unions and Implementation of Labor Practices: It is noted by the LPA Analysis that section 312(a)(7)(A), which establishes organizational rights, is virtually identical to the provisions of section 7 of the National Labor Relations Act (NLRA) (29 U.S.C. § 157). The Analysis also notes that the practices enumerated in section 312(a)(7)(B)(i)-(v) are nearly identical to the employer unfair labor practices found in section 8(a) of the NLRA (29 U.S.C. § 158(a)).

It is stated, however, that section 312(a)(7)(C) of the bill "represents a substantial departure from U.S. law" insofar as it permits reasonable access to employer premises by nonemployee union organizers. As the LPA Analysis itself notes, U.S. labor law does permit union access if there are no other "available channels of which will enable it to reach the employees through reasonable efforts." In *NLRB* v. *Babcock and Wilcox*, 351 U.S. 105, 112 (1956), the Supreme Court held that an employer may validly post his property against nonemployee distribution of union literature if reasonable efforts by the union through other available channels of communication will enable it to reach the employees with its message. . . ." The Court also stated that "when the inaccessability of employees makes ineffective the reasonable attemps by nonemployees to communicate with them through the usual channels, the right to exclude from property has been required to yield to the extent needed to permit communication of information on the right to organize. 351 U.S. at 172.

The language of the bill is therefore substantially similar to existing U.S. law as interpreted by the Supreme Court. The bill provides for reasonable access at reasonable times, while U.S. law permits the National Labor Relations Board to order access if no reasonable alternatives are available. The right of access by nonemployees to an employer's premises under the proposed bill is therefore subject to the requirement of reasonableness, just as under U.S. law. Although the provision is not found in the NLRA, it would appear to be consistent with the policy of the Act.

Moreover, the hearing record accompanying the proposed bill contains testimony supporting the need for reasonable access and noting the difficulty often encountered by workers in gaining access to representation information:

"These provisions . . . provide for avenues of communication which are an essential prerequisite to the realization of self-organization rights. These provisions of the Solarz bill are particularly important in a country like South Africa where access to black townships may be denied union organizers, thus making recruitment at the workers' homes particularly difficult, and emphasizing more the need for contact at the work place which is provided for by the Solarz bill. It has long been recognized in the West that communication at the work place is particularly important in connection with the right of workers to freely organize. This is especially true in South Africa."

Prepared Statement of William B. Gould, Professor of Law, Stanford Univ. Law School, in *U.S. Corporate Activities in South Africa*, Hearings and Markup before Subcomms. of Comm. on Foreign Affairs 146, 97th Cong., 2d Sess. (1982).

It is also stated that section 312(a)(7)(D) exceeds the requirements of the NLRA by demanding those covered take steps to insure "recognizing labor unions and implementing fair labor practices including . . . allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances."

Under the NLRA, payment of employees for time spent in serving as union representatives on matters directly relating to the bargaining unit is a mandatory subject of bargaining, as is the payment of wages for time spent in bargaining sessions by employee members of a union negotiating team. See *Fed. Reg. of Emp. Svc.* §§ 59.54 (1979). This means that a union may bargain to impasse and engage in concerted activity over such demands. Moreover, the NLRA expressly states in section 8(a)(2) "an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay." Thus, while official time for union representation is not expressly mandated by the NLRA, unions are permitted to strike to obtain that benefit, and employers are not penalized for granting it.

In the context of South Africa, moreover, the hearing record accompanying the proposed bill (set forth above) indicates that "communication at the work place is particularly important in connection with the right of workers to freely organize. This is especially true in South Africa."

The proposed bill, in section 312(a)(7)(E), provides for "regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them." It is objected that "there is no similar notification requirement under the NLRA absent a finding of an unfair labor." The LPA Analysis notes, however, that one of the conventional remedies ordered by the NLRB in unfair labor practice cases has been the requirement that the respondent post notice that it will cease and desist from the unfair labor practice in question. This type of notice, in response to an unfair labor practice finding, is only one of the many posting-of-notice requirements presently applicable to U.S. employers under existing labor and employment discrimination statutes. Employers must post notices of minimum wage, overtime, equal pay and child labor requirements under the Fair Labor Standards Act (29 C.F.R. § 516.4); safety and health requirements under the Occupational Safety and Health Act (29 U.S.C. § 657(c)(1)); nondiscrimination requirements under title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-10); and age discrimination provisions (29 U.S.C. § 627).

Federal contractors must post notice under Executive Order 11246, (41 C.F.R. § 60-1.41); the Vietnam Veterans Readjustment Assistance Act of 1974 (41 C.F.R. § 250.4); the Rehabilitation Act of 1973 (41 C.F.R. § 60-741.3); the Davis-Bacon Act (40 U.S.C. § 276(a)); the Walsh-Healey Act (41 C.F.R. § 50-201.1); and the Service Contract Act of 1965 (29 C.F.R. § 4.6(e)). Most employers are also subject to state laws requiring posting of notice of workers compensation, unemployment insurance benefits, and other state labor laws.

In light of the wide variety of requirements imposed on U.S. companies by U.S. legislation, it may be argued that the notice-posting requirements imposed by the proposed bill do not appear to impose a higher standard than domestic law. Moreover, it may be noted that notification by affected employers is one of the few available means of communicating the relevant provisions U.S. laws to South African employees who otherwise may have little or no access to those provisions.

It is also stated in the LPA Analysis that the notification requirement "can be read as requiring continuous bargaining or consultation notwithstanding the terms of a collective bargaining agreement." It is difficult to see how this requirement could be read into the language of the bill, since the bill's language simply tracks the language of proposed section 312(a)(7) (B)(v), under which employers must refrain from "refusing to

bargain collectively with any organization freely chosen by employees under this paragraph." This language in turn is based on section 8(a)(5) of the NLRA. 29 U.S.C. § 158(a)(5).

It is also stated that "the obligation to consult and bargain under section 312(a)(7)(E) "is with *all* 'organizations which are freely elected by employers to represent them.'" (emphasis in original). It should be noted that the underscored word "all" does not appear in language of the bill. The language of section 312(a)(7)(E) does not require bargaining with all organizations, but instead merely requires employers to "inform" employees that it is company policy to comply with the statutory requirements to consult and bargain collectively with elected employee representative organizations.

Finally, it is stated that section 312(a)(7)(F) of the bill would require that "employers and employee representatives select impartial persons to resolve election, grievance, negotiation or other disputes." It should be noted that the proposed language actually requires "utilizing impartial persons *mutually agreed upon* by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph." (Emphasis added).

As the underscored language indicates, the appointment of impartial persons to resolve disputes is subject to the consent of both parties. This impartial dispute resolution provision is clearly consensual process open to the parties as a substitute for international litigation under the enforcement provisions of the Act. The U.S. national labor policy with respect to grievance arbitration is set forth in section 203(d) of the Taft-Hartley Act:

"Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement." 29 U.S.C. § 173(d).

This policy is congruous with the requirement of the proposed bill to utilize neutrals mutually agreed upon by the parties to resolve disputes. The scope of the dispute resolution procedure proposed in the bill also includes representation and negotiation disputes, in view of the fact that the bill does not include the administrative and judicial enforcement mechanisms available under U.S. law.

In summary, a review of the labor standards established by Title III of H.R. 3231 permits the argument to be made that the bill does not require a different or higher standard of behavior for U.S. employers in South Africa than required for U.S. employers in the United States. As the foregoing discussion has indicated, each provision of the labor standards could be said to have a related provision in the U.S. law. The following requirements of the bill are found in U.S. law:

(A) Desegregation of employment facilities;

(B) Equal employment;

(C) Equal pay;

(D) Minimum wage;

(E) Increasing minority representation in higher jobs; and

(F) Labor union representation.

In virtually every respect, the requirements of the proposed bill appear to be weaker and more limited than the comparable requirements of U.S. law. The bill does not provide the elaborate administrative enforcement procedures available through the National Labor Relations Board, the Equal Employment Opportunity Commission, or the Department of Labor. While U.S. discrimination law covers age, sex, national origin, and religion, the provisions of the proposed bill are confined to discrimination on the basis of race. It can therefore be argued that, on balance the proposed bill would not impose a higher standard on U.S. employers in South Africa than on domestic employers.●

NATIONAL FOREIGN LANGUAGE WEEK

● Mr. DODD. Mr. President, March 4 through 10 was National Foreign Language Week. It is, therefore, in my judgment, entirely appropriate to review the merits of foreign language skills and the need to augment Federal support for foreign language study.

Several recent commissions, task forces, and education organizations have made indepth studies of the state of U.S. foreign language competency. These different groups have endeavored to determine the relation of foreign language competency and skills to education, the economy as well as our diplomatic and defense needs.

Some of their discoveries are quite alarming.

For example, only about 8 percent of colleges and universities require a background in foreign language for admission. In 1966, 34 percent of our institutions of higher learning did so.

While 4 years is generally considered the minimum in which to be considered competent in a foreign language, only 1 out of every 20 public high school students studied German, French, or Russian beyond the second year.

In addition, today, approximately 15 percent of American secondary students are enrolled in foreign language courses as compared to 24 percent in 1965. The situation is far different for our competitors and adversaries. In Japan, however, 80 percent of Japanese students take a foreign language beginning at age 12. And in the U.S.S.R., there are more teachers of English than there are students of Russian in the United States.

One area where the decline in formal foreign language training and skills has had a dramatic impact is international trade. It may be impossible to demonstrate a direct relationship between foreign language expertise and successful ventures in the marketplace. Many Japanese businessmen, nonetheless, attribute much of their marketing success in computers and electronics in the United States to their fluency in the English language and their related knowledge of American customs and consumer desires.

The United States, as we all know, is facing a trade deficit approaching $100 billion a year. It is ironic to note that this deficit comes at a time when American businessmen abroad are relying heavily upon individuals in the host country for language, contract, and other business and customer interpretation.

Chevrolet executives learned the hard way, for example, about the role foreign language familiarity can play in marketing. It seems that the company initially had some problems pushing auto sales of its Nova model in some Spanish-speaking countries. Some of these problems might have been alleviated, had it taken into consideration that Nova in Spanish means "it doesn't go."

The importance of foreign language skills is not limited to international business and marketing. Another area where these skills are of major significane is that of national security and foreign diplomacy.

Former Deputy Director of the CIA, Adm. Bobby Inman, recently stated, "The importance of adequate foreign language capability in the intelligence community cannot be overstated * * * the foreign language capability of our country is poor and getting worse."

Craig Wilson, Special Assistant for Intelligence and Human Resources to the Secretary of Defense, warned that only about half of the people assuming foreign language positions in the Defense Department actually possessed the necessary competence.

And, on a larger scale, the President's Commission on Foreign and International Studies in 1979 reported that " * * * the declining enrollments in our schools and colleges will lower the quality of new recruits for their (U.S. Government agencies) services and increase language training costs."

These are just a few examples that display the critical need for foreign language expertise. The United States is becoming increasingly dependent upon individuals who can relate and compete with their counterparts in other nations. Foreign language study, therefore, must be enhanced if we expect to fully insure national security and promote economic prosperity. The message to Congress is that we must acknowledge and accept our responsibility to intensify support for foreign language study at all levels of education.●

ABILITY IS AGELESS

● Mr. CHILES. Mr. President, Congress has proclaimed this week as "National Employ the Older Worker Week." I was very pleased to be a cosponsor of that resolution because I feel that one of America's most valuable resources is its senior citizens. Our older workers provide not only knowledge and skills to our work force but they also provide a fine example for our younger Americans.

The State of Florida's Department of Labor and Employment Security recognizes the very important role that older workers play in the work force. In connection with "National Employ the Older Worker Week," the department's division of labor, employment and training job service sponsored an employer seminar and in cooperation with Timex, the "You're Still Ticking Awards." The purposes of this seminar are twofold. First, job service of Florida's goal is to convince employers to hire older workers. Second, the "You're Still Ticking Awards" honor Florida's outstanding older workers. The 1984 nominees unquestionably show the benefits of hiring older workers.

There were six finalists in the competition:

Mr. Dennis Foley, 71 years old; employed by Bay Area Legal Services, Inc., New Port Richey, Fla.

Mrs. Marion Kendig, 76 years old; employed by Western Palm Beach County Mental Health Clinic, Inc., Belle Glade, Fla.

Mr. Paul Locke, 84 years old; employed by Crowder Bros. Hardware, Bradenton, Fla.

Mr. Dewey D. Gilbert, 83 years old; employed by Fort Myers News-Press, Fort Myers, Fla.

Mr. Edgar B. Hunt, 83 years old; employed by AARP Senior Community Service Employment Program, Naples, Fla.

Ms. Margaret "Peggy" Beshore, 79 years old; employed by East Central Florida Regional Planning Council/Area Agency on Aging, Winter Park, Fla.

On Saturday, March 9, 1984, this year's awards were presented. I want to ask my colleagues to join me in congratulating Ms. Margaret "Peggy" Beshore on being selected as the winner of the "You're Still Ticking Award." Ms. Beshore's not only ticking, but she is running full speed ahead. At age 77, Peggy left her position with the Christian Service Centers' Meals on Wheels program for elderly shutins to become what she calls "the mother hen" to a full staff of professionals in the field of aging. Ms. Beshore left a position she loved and was accustomed to, for work in a totally new area where she was desperately needed. I am sure that the staff at the area agency on aging would say that she is not only needed, but a true inspiration.

At age 79, she performs competently and exceptionally in her high pressure job as secretary to seven professionals. Always interested in growing as an individual and in learning new skills, Ms. Beshore is not attempting to master the center's computer system. With these new skills, Ms. Beshore is untiring in her efforts to provide whatever information and assistance she can to Seniors who call the agency for help.

I want to point out to my colleagues that the number of older workers in America is increasing every day. All of the older workers that I have mentioned above, as well as millions of others across our country, prove that "ability is ageless" and that our country's older persons are truly one of America's greatest national resources.●

THE DEATH PENALTY

● Mr. DODD. Mr. President, on February 22, the Senate passed S. 1765, authorizing the imposition of the death penalty for serious Federal crimes.

Whether or not capital punishment has a valid place in a humane system of justice is, of course, one of the most vexing questions of contemporary jurisprudence. Not surprisingly, the Senate debated the measure for several days in discussions that were far-ranging, thoughtful, and often intense.

A number of my colleagues who voted against S. 1765 argued vigorously and sincerely that there are no cases where society is justified in imposing the death penalty. I disagree. I believe that there are circumstances where ultimately this penalty is appropriate and that it is possible to craft a sound system of capital punishment for the most heinous of offenses.

I voted against S. 1765, however, on much narrower grounds. Frankly, Mr. President, I believe it is a poorly designed piece of legislation. Even were one to make the judgment that capital punishment can both effectively deter further crime and can be justly and humanely administered, this particular bill merited rejection.

In permitting the death penalty for serious crimes such as treason, espionage and attempted assassination, S. 1765 creates an anomaly: Society will take a life even where the criminal did not so himself. In addition, by permitting the death penalty where innocent lives were lost accidently as a result of crimes of arson or armed robbery, for example, S. 1765 admitted the possibility that the law would intentionally take the life of a lawbreaker who had never intended to do so himself. Finally, as the skillful questioning of the Senator from Michigan (Mr. LEVIN) revealed, the structure of the provisions dealing with mitigating and aggravating factors created a dangerous procedural bias in favor of capital punishment.

Those flaws were for me, Mr. President, fatal to any legal system rooted in the ideals of punishment proportionate to the crime and a presumption in favor of the dignity and worth of human life.

Whatever the answer to the larger questions surrounding capital punishment, Mr. President, this version of the death penalty should not become law.●

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Now, Mr. President, I believe the time for the transaction of routine morning business has expired, has it not?

The PRESIDING OFFICER. The majority leader is correct; morning business is now concluded.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. The clerk will now report the pending business.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to the voluntary school prayer.

The Senate proceeded to consider the joint resolution.

Mr. BAKER. Mr. President, I anticipate the Senator from Utah will have a statement to make. The Senator from Connecticut is on the floor. It does not seem likely that we will have a vote on an amendment today, but I am hopeful that we may be able to get an amendment up and maybe a vote on tomorrow. I hope to have a further announcement to make about that at a later time.

Mr. President, I yield the floor.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I stand before the Senate today to voice my support for and commitment to passage of a constitutional amendment allowing children to pray in their classrooms.

It is a consensus that brings this Nation together. This country was founded on the belief in a Supreme Creator who has allowed us to mold the laws of the land and to benefit all rather than a few. It is this belief in God and a desire to do His will that has encouraged the lawmakers of this Nation, past and present, to make moral decisions.

As a nation we have, indeed, recognized the guidance of God. It is evident in our coinage where we so clearly read "In God We Trust." I am confident that when President Eisenhower suggested adding the words "under God" to our Pledge of Allegiance he recognized that our national greatness does not spring from our human institutions or that our Government acts "for God"—it acts "under God."

The great Frenchman, Alexis de Tocqueville, who came to America in the 1830's to study that noble experiment in freedom which had captured the imagination of men and women all

over the world, summarized what he found in these words:

> I sought for greatness and genius of America in her commodius harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairie, and it was not there; in her rich mines and vast commerce, and it was not there. Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because she is good, and if America ever ceases to be good, America will cease to be great.

Alexis de Tocqueville perceived where the power of this Nation lies. As long as we put our trust in God, this Nation will continue to be good and great.

The Founding Fathers came to this land to gain religious freedom, a right to worship in any place or at any time. The Constitution of the United States prohibits the establishing of an official religion, and also protects, in no uncertain terms, an individual's right to the free expression of religion. Allowing a child to pray in a classroom is not, in my judgment, establishing an official religion—it is simply allowing a child to exercise his or her religion freely. I certainly do not feel any child should be forced to pray, but I feel just as strongly that those children who wish to participate in prayer should have the right to do so.

In today's world, the schools have an enormous influence on a child's perception of what is right. Our children are our future and we cannot falter in our determination to provide the right atmosphere in which moral character can prosper. In our complicated society, children need prayer now more than ever.

The framers of the first amendment found strength in turning to God. This has had an overshadowing effect in the decisionmaking in America and has made us good and great. May the children of this Nation enjoy the same reassurance our forefathers did by participating in school prayer.

Mr. President, it is unfortunate we even have to have this debate. The right to free exercise of religious beliefs is clearly spelled out in the Constitution. It is time to clarify through congressional action that children have a fundamental right to pray in school. The American people deserve the opportunity to voice their opinion on this issue. When asked if school prayer should be allowed, I believe we will hear a resounding "yes" from every corner of the Nation. I urge my colleagues in the Senate to make the right decision and support the amendment to protect this freedom.

Mr. HATCH. Mr. President, I would like to outline for this body once more this Senator's perspective on why an amendment relating to voluntary school prayer would be appropriate for our Constitution. In my view, there are alternative lines of argument:

First, there is the constitutional argument that I detailed in my opening statement on March 5. This argument looks to the intentions of the framers of the first amendment, its ultimate text, and the historical understanding of this text. There can be no serious dispute, in my opinion, that analysis of these factors will lead to the conclusion that the Founding Fathers intended the religion clauses of the first amendment to prohibit religious preference by the Government, not religious expression. The "establishment clause" was plainly and simply directed toward the establishment of a national religion, toward the elevation of some religious views over other religious views. It was never intended to erect a "wall of separation" or any other kind of impregnable barrier between the state and expressions of religious values generally. This conclusion can be justified, in my opinion, by an examination of the debates of the Convention, analysis of alternative proposed texts of the first amendment, and by real-world practice under the first amendment for the 170 years of our Nation's history.

As I emphasized, however, last week, I am aware that the scrutiny of ancient legal documents, and the parsing of Supreme Court opinions, is not a persuasive means of analysis to every Member of this body. It is simply not terrible relevant to such individuals whether Engle and Abington were consistent with the intentions of the Founding Fathers if they established desirable public policy. Although I happen to believe that the process of constitutional change is often equally important to the substance of such change, I understand the concerns of those who want to focus this debate on school prayer, not on Engel, not on Abington, and not on the legislative history of the "establishment clause."

Proponents of a voluntary school prayer amendment have sometimes neglected to focus on the issue of school prayer as public policy. We have sometimes felt that our burden was satisfied by demonstrating what the Constitution was supposed to mean and how it has been altered by modern decisions of the Supreme Court. In so doing, I believe that we overlook the very real and genuine concern possessed by many individuals—many devout and reverent individuals—that times change, that our society has changed, that America is less religiously homogeneous than it used to be, and that, as a result, school prayer is simply a less appropriate public policy today than in times past. By this way of thinking, the Supreme Court in their school prayer decisions was simply reflecting deep and profound changes in the values and mores of American society.

Proponents of a voluntary prayer amendment do not ultimately make their case unless they are able to respond to this argument. Why is the authorization of voluntary school prayer a prudent and desirable public policy in the United States in 1984? Why will it continue for the foreseeable future, into the 21st century, as a wise public policy?

In responding to this argument, thoughtfully raised by a number of our colleagues on the floor during the past week, let me concede that our society is more heterogeneous from a religious point of view than it may once have been. The influx of new Americans from abroad bringing with them new religious beliefs, the domestic evolution of new religious doctrines, and the general history of change and development in America have all contributed to an America today more diverse and more disparate in its religious views than in the past.

That this is true, however, is not to say that there is any less of a commitment to religious values generally in our Nation today than in times past. Although I have no Gallup polls from the Revolutionary period or from 19th century America, I would guess that the number of Americans who possess a belief in a divine creator today, or who attend religious services on a somewhat regular basis today, compares favorably with figures which would have obtained during those periods. Although there is no consensus in this country in behalf of any single religious theory, or the words of any single prophet, or the ceremony of any single denomination, there is clearly a consensus in this country in behalf of the value of religious expression generally.

Those who criticize prayer proponents for relying upon public opinion polls to justify an amendment to the U.S. Constitution are misconstruing their argument. The value of public opinion polls is not to demonstrate the need for an amendment—we do not amend our Constitution by Gallup or Harris polls—but rather to provide an illustration of the overwhelming consensus that exists in this country in support of the value of religious expression. This Senator interprets the polls which demonstrate 80 percent support for a prayer amendment, not as an irrebuttable case in behalf of an amendment, but as evidence that the Supreme Court in Engle and Abington was not reflecting changing modern values. Those decisions did not simply provide expression for a change in American society that had already taken place; rather, they altered the longstanding meaning of the Constitution independment of any genuine evolution in social mores and values. In Engle and Abington, the Court adopted a radically new interpretation of the first amendment that sharply conflicted with the values of modern

America every bit as much as it conflicted with the values of revolutionary America.

Proponents of a prayer amendment, thus, are not calling for constitutional change because of what the opinion polls show; rather, they are rejecting the argument that the change effected by the Supreme Court was warranted because the values of the 18th century were not the values of the 20th century. In the area of religious belief and devotion to a Supreme Creator and reverence for one's maker, they were not substantially different. In the view that there is an obligation on the part of the Government to promote religious values generally, as opposed to particular religious doctrines, they were not substantially different. This precisely is what the public opinion polls show, not that a constitutional amendment is required.

Of course, Mr. President, value development is the responsibility of the family. That is true of a child's development in all areas. The schools are not a substitute for the family. To the extent that the public schools serve a role as an adjunct to the family—and they serve an important role in this regard—they were established to educate and acclimate the child in the knowledge and the values of his civilization and his culture. The legacy of his society is not merely a legacy of reading and arithmetic and use of computers; it is also a legacy of civilized conduct and behavior and, dare I say it, of public values.

The public values of our society—liberal, western, Judeo-Christian society—are good and important values. They are values that have brought about in the United States an unprecedented period of peace and freedom and liberty and prosperity amidst a world and amidst a history in which these are rare achievements indeed. A proper education for our young, a proper education enabling our future generations to protect and preserve this legacy, requires that they be schooled and educated in its values.

Because ours is a free society, its citizens are free to reject or to scorn these values—the importance of representative democracy, the contribution of constitutional government, the necessity of a religious foundation to the social fabric; they are free to attempt to establish new social values. They are not free, however, to topple the moral edifice of our civilization by forever establishing as public policy that society is to be disinterested in the values learned by its children or, indeed, disinterested in whether its children learn any values whatsoever. They are not free to force our civilization to slowly dissipate its inheritance by outlawing our educational institutions from transmitting its shared moral values.

Mr. President, our society can accommodate a great many things. If there are those who choose to reject any elements of our civilization, that is, within the limits of the law, their prerogative. If there are individuals who choose to reject prayer altogether or to reject public prayer, that is their prerogative and ought to be accommodated. We ought to be a tolerant and liberal and respecting society toward those whose views are not those of the majority. The only thing that, I believe, our society cannot and ought not accommodate is the idea that our educational institutions—the propagators of what our society stands for—ought to be mute and disinterested in communicating the values of our society to our children. I emphasize again that this is not the value of Catholicism or Anglicanism or Mormonism—it is the value that our liberties and our freedoms are natural liberties and freedoms and owe themsevles ultimately to an Almighty God. The schools cannot afford to be "neutral" in that regard.

Mr. President, George Washington stressed in his Farewell Address the inextricable relationship between an understanding of our religious heritage and a healthy, operating system of self-government. He understood that a broader education experience was necessary if our people were to be equipped in the task of citizenship. He understood that a proper education for such a role may well require more than learning to punch computer keys, translate foreign languages, and comprehend the workings of an atom; rather, such an education ought to include the building of integrity and a sense of honesty, inculcation of a sense of enduring values, and a willingness to serve one's country. Education, thus defined, includes preparation for the responsibilities of citizenship and is served, in my view, by an opportunity to ponder the source of our liberties as articulated by the Declaration of Independence—"we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and pursuit of happiness."

This understanding of the role of education in America was understood by those who wrote the Constitution, and who set forth the first amendment. It has animated our country until recent years. The evidence of the past two decades, in my opinion, suggests to me that it ought to be restored.

Mr. CHAFEE. Does the Chair have any objection to my now suggesting the absence of a quorum?

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EVANS). Without objection, it is so ordered.

Mr. HELMS. Mr. President, last week while the school prayer constitutional amendment was pending in the Senate, several compromise versions were floated for consideration. The efforts at compromise were made in order to bring this rather lengthy debate to a close and to increase the number of votes for the amendment.

At least two of the compromise versions were published in the CONGRESSIONAL RECORD. I think it is fair to say that, despite the good intentions of those involved—and they are my friends and colleagues whom I respect—the compromise versions merely weaken the President's original proposal. In most cases, they would fall far short of restoring enough freedom to the States to assure that the traditions and customs of voluntary prayer, which flourished in the United States for generations before the early 1960's, would be restored.

Mr. President, we should always bear in mind in this debate that what we are trying to do, what we have a duty to do, is restore freedom to the States—freedom that the Supreme Court wrongfully and unconstitutionally took away from them—so that the old and honorable practice of voluntary school prayer can take root once again. By this proposal, we want to leave the detailed rules governing this practice to the local authorities. That is where the responsibility lies. I certainly hope these authorities will themselves be guided by the best authority for the education of children, the parents of the children.

It is therefore, Mr. President, a serious mistake for those of us in Congress to try to write into the U.S. Constitution detailed prayer regulations for local public schools. What we should do—and must do—is get the Federal Government, especially the Federal courts, out of the business of governing school prayer and restore full freedom to the States and localities over this matter.

The framers of the Constitution knew two centuries ago that the Central Government should possess only limited and carefully specified powers, and the American people know today only too well that all wisdom certainly does not reside in Washington, D.C. On this prayer issue, as on so many other issues, we in Congress should genuinely trust the people and return to them the historical freedom they enjoyed before the advent of a usurping Federal judiciary. Sure, such freedom is subject to abuse—freedom is always risky in this sense—but whatever abuses do occur can be corrected

better by local authorities than by the Federal Government. Nearly 208 years of American experience—intensified in recent years by increasing centralization of power in Washington, D.C.—surely has taught us nothing if not that.

In addition, Mr. President, it is important to remember that the Federal Government was not created by the States in the first place to be a general sovereignty. General sovereign powers were not relinquished by the States when they ratified the Constitution; they were carefully retained under the very terms of the document. As any careful reader of the Constitution knows, the Federal Government was given restricted and enumerated powers, and it was to be only a limited sovereignty.

Of course, it is true, Mr. President, that over the past 35 years Federal judges have, to a considerable extent, wrecked this careful design of the framers and destroyed many of the very rights and powers the States explicitly sought to retain. But simply because the Federal judiciary has dispensed with federalism and trampled on the rights of the States is no reason for Congress to do the same. On the contrary, it is our job and our duty to preserve, protect, and defend the Constitution and to restore it to its original and true meaning. And that is what we should be trying to do with this prayer amendment.

Mr. President, the difficulties in drafting a prayer amendment, both in the Judiciary Committee and here on the Senate floor, have mainly come from trying to fine-tune the amendment to solve all manner of potential problems that might arise in a classroom situation. The issue of State mandating specific prayers has come up, the issue of teacher-directed prayers has come up, and the issue of equal access for religious groups has come up, and so forth.

All these matters and more, Mr. President, should not be decided by Congress or the Supreme Court, or in the U.S. Constitution at all. They should be handled on a local level, by the local authorities, in accord with the customs and desires of the local community. Such an approach is the only one that is consistent with the design of our Constitution. Hence, the question this prayer amendment presents to the Senate is: Do we trust the American people enough to take the prayer issue out of the hands of Federal judges and return it once again to the local level? I certainly do, and I hope this Congress will agree.

Mr. President, in reviewing the principles of federalism that should be guiding our deliberations on the prayer constitutional amendment, the wisdom and prudence of solving this problem through a simple statute becomes all the more apparent. If the truth be known, the problem is not actually in the text of the Constitution. The text is fine, but it is the interpretation and use of the Constitution by lawless Federal judges which is fundamentally at issue. What we really need is not so much a change in the constitutional text but a limitation on the power of Federal judges. They are the ones who created the current problem, and it is in reform applied to them that the solution lies.

That is why Mr. President, irrespective of the outcome on this proposed constitutional amendment, modified or unmodified, compromised or uncompromised, I will continue to pursue my legislation to limit the jurisdiction of the Federal courts over cases involving school prayer. Given the many usurpations of Federal judges over so many years, on the prayer issue as well as other issues, the exercise by Congress of its article III powers to limit Federal court jurisdiction is the only practical hope of restoring the Constitution and preserving the rule of law.

Mr. President, with the fundamental principles of federalism in mind that I have discussed today, it is my strong hope that we will cease consideration of further modifications that amount to unnecessary national meddling in essentially local problems. It will serve no worthy purpose, Mr. President, to take the heart out of President Reagan's proposal at the 12th hour and then to vote on an ineffective amendment. Such an amendment would be meaningless, and a vote on it would likewise be meaningless. As I have said before, we can compromise on procedural tactics but never on fundamental principles. So let us stick with the language reported by the Judiciary Committee, minimize floor amendments, and vote the measure up or down.

If my distinguished colleague from Connecticut wants to continue his extended debate on this matter, he is entitled to do so. I hope the majority leader will give him as much time as he wants, including late nights and weekends if necessary. If a few all night sessions, are not enough for his speeches, then let the Senate, as it is entitled, invoke cloture.

But I am sure, Mr. President, that at some point we can and we will get to the merits of an effective prayer amendment. And when we do, the clerk will call the roll and we shall see where the votes are. And, more importantly, the American people will see where the votes are, and they can then adjust their own votes accordingly.

Mr. President, the time for compromise is over, and it is now time to begin to move toward a vote. This Senator hopes that the majority leader will apply the strong leadership of which he is so capable, and bring the President's amendment (S.J. Res. 73) to a vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. COCHRAN assumed the chair.)

Mr. CHAFEE. Mr. President, the legislation currently before us poses difficult questions. It touches upon three of our most deeply held national concerns.

First, it affects those closest to us—our children. We share a common concern for insuring the best possible learning environment for our Nation's young people. Second, it involves prayer—the most intensely private of all forms of expression. And third, it involves amending the Constitution of the United States—the carefully crafted and rarely revised document which has held our Nation together for over 200 years.

So it is fitting for the Senate to devote a substantial period of time for discussion of this issue. And it is doubtful that it can be resolved in a manner which will satisfy all the parties in this debate. Both sides in the school prayer debate include men and women who care a great deal about our children and their futures. Both sides include people who strongly believe that prayer is important. And both sides want the Constitution of the United States to permit freedom of religion without government establishment.

The complexity of this issue is attested to by the Senate Judiciary Committee's having reported the school prayer amendments without recommendation. Even after holding extensive hearings and lengthy discussion in this matter, the committee of jurisdiction was unable to reach a conclusion.

I believe there are two fundamental questions we must keep in mind while considering this proposal to amend the Constitution. Is this amendment necessary to correct some profound inequity in our society? And, would its effect be to reinforce traditional American values or to undermine them?

It is important at the outset to understand what is the status quo. Has voluntary school prayer really been prohibited by the U.S. Supreme Court from taking place in our schools? The proponents of this legislation contend it has and that it is necessary to amend the Constitution because the Court has outlawed prayer and "banished God from American classrooms."

But is this accurate? Children in schools throughout the United States today can pray whenever and however they wish. True prayer cannot be coerced—all true prayer is voluntary prayer. And with this right, not the Court nor the Congress nor anyone could interfere. What institution of Government is powerful enough to remove God from American classrooms? And what institution is powerful enough to put Him back in?

Voluntary prayer—prayer that originates from within—cannot be coerced. It needs no prescribed time or designated form. But voluntary prayer is not what the U.S. Supreme Court sought to prohibit in 1962 and 1963. And voluntary prayer is not what the proponents of this legislation are seeking today.

The Supreme Court has ruled that it is unconstitutional for prayer to be institutionalized. Government-sponsored prayer—the selection of prayers for group recitation in public schools—has been interpreted by the Court as a violation of the establishment clause, which holds that—

> Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof.

And so the supporters of this legislation—who believe the Court's interpretation of the first amendment is too narrow—would amend the Constitution to permit "individual or group prayer in public schools. Neither the United States nor any State shall compose the words of any prayer to be said in public schools." That is the end of the proposed amendment.

Now, I recognize there are revised versions being considered in sessions and strategy sessions and meetings. But so far this is what we have before us.

Amending the Constitution of the United States is serious business and it is not to be approached casually. Indeed, the Supreme Court was established as the primary interpreter of the Constitution in order to discourage random tinkering with its provisions. And this provision—which the Court has interpreted to prohibit Government-sponsored school prayer—did not find its way into the Constitution by accident.

Those who framed our Constitution sought to avoid the strife which had resulted from religious differences in Europe, and they were determined to prevent entanglements between church and state from weakening the new Nation. They knew that peoples of varying religious faiths could only live in harmony if the national government refused to confer favor on any single faith. This absence of religious coercion has permitted diversity to flourish and has enabled us to enjoy national unity in the midst of the most extraordinary diversity of backgrounds—religious, cultural, ethic, and national.

Antagonism to the Government establishment of religion played a central role in the founding of the State that I represent, Rhode Island. Roger Williams founded our State in 1636 with the commitment that there be a separation of church and state. And, indeed, that is why he fled from Massachusetts where there were Government-imposed strictures dealing with religious observance. And so when Roger Williams and others from our State sought a charter from King Charles II, they had embedded in that charter the following words, that there be founded in this new colony:

> A lively experiment, that a flourishing civil state may stand and be best maintained with full liberty in religious concernments.

I might say those were extraordinary words to have taken place in the 1600's. Here was a State that had no established religion, unlike Massachusetts where the Puritan religion was given official status, and unlike other States in which full religious liberty was not extended to all faiths.

And so these words were later incorporated into our State constitution, whose authors emphasized:

> We therefore declare that no man shall be compelled to frequent or to support any religious worship, place or ministry whatever, except in fulfillment of his own voluntary contract; nor enforced, restrained, molested or burdened in his body or goods—nor otherwise suffer on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience.

The first amendment built what Thomas Jefferson referred to as "a wall of separation between church and state." The supporters of this legislation before us I believe tamper with that barrier by permitting State or local governments to institute a program of sponsored prayer in public schools. This poses very serious difficulties, especially since the society we inhabit today is even more culturally diverse than the one inhabited by our country's founders. The amendment being proposed here today is a fundamentally antithetical to the establishment clause as was the case at the time of the Supreme Court rulings.

The fact that the amendment would not require students to participate in prayer activity does not lessen its coercive impact. Saying that classroom prayer is voluntary does not make it so.

Attendance at public schools is compulsory, we have to remember—about 90 percent of our children go to public schools. Few children can be expected to understand or to practice nonconformity to the extent of declining to join in an activity led by their teacher and in which their classmates participate.

The fact that the amendment would not permit Government to compose the words of prayers to be used for group recitation does not lessen Government involvement. The supporters of this legislation stress that once this amendment is added to the Constitution, young children will spontaneously reach a consensus about when, and how, and what to pray in school. But in practical terms, there will have to be Government intervention. Government—whether it be teachers hired by the Government or school administrators—will play a role in making these determinations. And that is what our Constitution wisely seeks to prohibit.

The amendment's specific protection for "group prayer" indicates that its supporters seek to permit a structured, organized prayer activity of some kind. But whose prayer? And what sort of activity? How will it be possible for Government to promote such an activity in our public schools without jeopardizing the rights of religious minorities? How can Government reach any consensus about what sort of prayer activity to sanction without coming perilously close to an establishment of religion?

Public schools exist to serve all children. I think we all agree that public schools have been a unifying force in our society by bringing together children of extraordinary different backgrounds.

Public schools must take seriously the religious integrity of each child entrusted to their care and should not establish any preferred form of religion for common observance.

The passage of this amendment could turn public schools—our great national unifiers—into religious battlegrounds, and further divide us as a people, which is the last thing we want. We could possibly find religious factions competing for the power to determine how our children should pray. Faculties, school boards, PTA's, local governments—the community leaders who should be directing their energies toward improving the level of academic achievement in American schools—could find themselves debating how to administer school prayer. This is not a debate which will result in better education, increased test scores, or improved attendance, or better discipline. And it certainly will not do much to increase support for public education. All it will do is accentuate our religious differences by allowing an official religious viewpoint to become established. And this is what the first amendment is meant to protect us from.

What constitutes prayer? What sort of prayer will be suitable for classroom recitation? When should the prayer be said? How should those not wishing to participate be treated? In the instance of school prayer, someone will have to make these determinations. And even after such determinations are rati-

fied—by a majority of students or a majority of teachers or a majority on the school board or a majority on the town council—we still run the risk of failing to protect those who belong to religious minorities. Those whose beliefs form the majority in one region of the country often compromise the minority in other regions. And our Nation's greatest strength is its respect and protection for everyone's religious creed.

Institutionalized prayer poses a tremendous test of that strength. It will force the members of religious minorities to choose between conforming with the majority's form of religious observance, or conspicuously electing not to participate. In the case of young children, this is no choice at all. It will serve to isolate those whose beliefs differ from the majority. And this will not do much to improve the relationships between parents and teachers and school administrators, whose cooperation is more important now than ever.

In public schools with organized prayer activity, those children not in conformity would not be treated equally, even though they are citizens of equal status and their parents pay taxes equally to support public institutions. This is surely not the result which the supporters of this legislation desire, but it is the result we would all have to confront.

Supporters of a school prayer amendment have emphasized that its adoption will help to strengthen religion in our country. Some believe that in the 21 years since the Supreme Court rulings on school prayer, public schools have been the scene of increased delinquency, increased promiscuity, increased drug and alcohol abuse, and a general decline in moral values. I share this concern about strengthening the character and values of our young people. But I believe it is simplistic to attribute these problems to the lack of organized school prayer.

Our society has undergone many changes in the last 21 years over which the public schools have very little control—such as increased TV watching, a new permissiveness encouraged by the media, readier access to automobiles, more spendable income, an increase in single-parent families, and a greater number of households in which both parents work. All of these factors have contributed to the decline in national morals.

Adoption of a constitutional amendment to permit Government-sponsored prayer in public schools will not alter these developments.

Parents should endeavor to instill sound moral principles in their children—such as fairness, honesty, and respect for the rights and beliefs of others. They should strengthen the children's religious observance at home and in houses on worship. The testimony of the National Council of Churches of Christ before the Senate Judiciary Committee expressed the view that children's lives are transformed not by institutionalized prayer. "but by the models set for them in the conduct of their elders. And there is no need for a constitutional amendment to enable adults to set a moral and righteous example for their children. They can do it now."

A number of religious organizations have pointed out their opposition to the school prayer amendment, not only because it could be devisive and inadequate, but because it might actually be a setback for religion. In many places the group prayer selected for recitation in public schools will have to be diluted so that it can pass muster by the widest possible group. But such a prayer by committee—one made acceptable for secular use—could tend to trivialize prayer by reducing it to the lowest common denominator of religious expression. Many devout men and women have pointed out that such an all-purpose prayer is worse than no prayer at all.

Prayer is an intimate and sacred form of expression, and its content is extremely important to those who are saying it, those of different religious backgrounds. What those from the church that I belong to would feel is important to a prayer could be objected to, and rightly so, by those of another religious background, and vice versa.

Prayer it is not something which should be demeaned by being the subject of a political compromise in school districts throughout the Nation. Our children should learn that prayer is something important and special, not that prayer is mundane and worldly. And the best places to teach the value of prayer in our children's lives are in the home and the house of worship.

In interpreting Government-sponsored school prayer to be a violation of the first amendment, the Supreme Court has not removed prayer from the everyday lives of our children. It has simply affirmed that the responsibility for imparting religious values to young people lies with parents and the clergy, not with teachers or other school personnel.

When the Court rendered its decision in the case of Engle against Vitale in 1962, President Kennedy viewed the decision not as an affront, but as an opportunity. When asked to comment about the decision, he stated:

> The Supreme Court has made its judgment, and a good many people obviously will disagree with it. Others will agree with it. But I think that it is important for us if we are going to maintain our constitutional principle that we support the Supreme Court decisions even when we may not agree with them.

In addition, we have in this case a very easy remedy and that is to pray ourselves. And I would think that it would be a welcome reminder to every American family that we can pray a good deal more at home, we can attend our churches with a good deal more fidelity, and we can make the true meaning of prayer much more important in the lives of all of our children. That power is very much open to us. And I would hope that as a result of this decision that all American parents will intensify their efforts at home, and the rest of us will support the Constitution and the responsibility of the Supreme Court in interpreting it, which is theirs, and given to them by the Constitution.

Mr. President, I believe this advice serves our Nation as well today as it did in 1962. Let us encourage all parents to take a more active interest in strengthening the moral character and values of American youth. And let us encourage teachers and school administrators to do all they can to improve the level of instruction and achievement in American schools.

So, Mr. President, it is my hope that careful thought will be given to these considerations and that my colleagues in the Senate will not adopt either the proposed amendment that is before us or other similar versions that are now being discussed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there are no more takers today to debate the prayer amendment, I think. I know of none. I ask unanimous consent there now be a period for the transaction of routine morning business until 4:45 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALCULATING MEDICARE COST REIMBURSEMENT RATES—THE HAVES AND HAVENOTS

Mr. DIXON. Mr. President, from time to time, I have stood before by colleagues in the Senate and brought to their attention particular problems afflicting my home State of Illinois. Unfortunately, the fact that Illinois is not getting a fair deal from the Federal Government is becoming an all too familiar refrain.

Recently, the Census Bureau released its 1982 Report on the Federal Balance of Payments; that is, the ratio of tax dollars that a State sends to

Washington versus what it gets back in Federal spending. Illinois ranked 51st, dead last among all 50 States and the District of Columbia. Now, once again, I rise to voice my concern about the economic hardship posed for hospitals in Illinois and 18 others States by the shift from the current hospital specific rate to a standard national rate for medicare reimbursements under the new prospective payment system.

The statute enacted by the Social Security Amendments of 1983 called for a 3-year phasein of the prospective payment system. At the end of the transition, hospitals will be reimbursed prospectively at a uniform rate intended to reflect the average cost nationwide of treating patients in each of over 400 diagnosis-related groups. While conceived as a cost-cutting measure, the use of a national rate unfairly discriminates against certain hospitals, yet provides a windfall to others.

For Illinois, this switch in the way the Department of Health and Human Services will calculate reimbursement rates means that 69 percent of the hospitals in my State will experience a shortfall, for a net loss of $172 million annually.

This is true for Illinois and many other States, mostly in the Midwest and Northeast, because hospitals in our States are predominantly urban, have a higher intensity of care, average longer stays by medicare patients, and have above-average operating costs. I am submitting for the RECORD, a list of the 19 States which lose under this new system.

Mr. President, this situation is just ludicrous. Further, this adds insult to injury. At a time when unemployment in Illinois stands at 9.5 percent, nearly 22 percent higher than the national average, Federal policy should not make a bad situation worse.

In a letter from me and my colleagues in the Northeast-Midwest Coalition, I have asked my friend from Kansas, the distinguished chairman of the Senate Finance Committee (Mr. DOLE) to further review options for calculating reimbursements. It is laudable to cut costs, but we must do so in a manner which more closely reflects actual costs and which does not create such a glaring dichotomy between the haves and have-nots.

Mr. President, if there is anything around here deserving close scrutiny and a good, hard "second look," this one is it.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately subsequent to my remarks an attachment sheet entitled "Impact of the National Reimbursement Rate for Medicare." It accurately reflects and supports the statement I made here.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMPACT OF THE NATIONAL REIMBURSEMENT RATE FOR MEDICARE FOR HOSPITALS IN SELECTED STATES

[At end of transition period—dollars in millions]

	Percent of hospitals losing	Net dollar loss to hospitals
Delaware	100	$7
Illinois	69	172
Indiana	47	17
Maine	46	5
Maryland [1]	67	13
Massachusetts [1]	70	91
Michigan	58	29
Missouri	70	87
New Hampshire	54	2
Ohio	54	41
Wisconsin	55	42
		506
Alaska	27	1
California	63	210
District of Columbia	82	29
Kansas	52	16
Nebraska	33	7
Nevada	62	18
North Dakota	31	2
Texas	42	19
Wyoming	48	1

[1] These States currently have waivers from HCFA and so would not be affected for the duration of the waiver.

Note: Staff calculations based on data supplied by the Health Care Financing Administration (HCFA) to the Californai Hospitals Association. The net loss column represents the difference between the total projected bonuses and shortfalls for all hospitals in a State, under Medicare Prospective Payment System, relative to TEFRA.

THE CALENDAR

Mr. BAKER. Mr. President, I have a number of routine matters that have been cleared for action by unanimous consent on this side. I inquire of the minority leader if he is in a position to consider en bloc Calendar Orders No. 690 through 701 on today's calendar of business.

Mr. BYRD. Mr. President, I am happy to answer for the minority in the affirmative.

Mr. BAKER. Mr. President, I thank the minority leader.

I ask unanimous consent then that the items, Calendar Orders No. 690 through 701, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL MEDAL OF FREEDOM TO BARNEY CLARK

The resolution (S. Res. 130) expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory, was considered.

Mr. GORTON. Mr. President, I am deeply honored to rise in support of Senate Resolution 130, which asks that the Presidential Medal of Freedom be awarded posthumously to Dr. Barney Clark. I wish to thank my Senate colleagues who have joined me in this effort.

On March 23, 1983, the Nation, and indeed the world, was saddened to hear of the death of Dr. Barney Clark. Dr. Clark made medical history in his pioneering role as the first human recipient of an artificial heart. His brave fight for life spanned 112 days, providing medical experts with the vital data needed to explore and perfect this innovative technique. Perhaps equally important, Dr. Clark inspired us all with his selflessness, good humor, and incredible will to live.

Barney Clark took on the challenge of an artifical heart implant for the good of mankind. He demonstrated tremendous bravery and tenacity in his fight for survival. Dr. Clark waged a daily battle against such tangible threats as infection, pneumonia, and seizures, while staving off depression and the frustration that came with the inevitable setbacks in any new technology.

Dr. Clark's courage in volunteering to assume the role which allowed this phenomenal technology to be analyzed and perfected establishes him as a pioneer in the development of modern medical techniques. He symbolized the culmination of the efforts of many, much as Dr. Jonas Salk symbolizes the efforts of many in developing the first successful poliomyelitis vaccine.

For this, Barney Clark and his family fully deserve the gratitude of the American people and the honor of the Presidential Medal of Freedom. We shall never forget this remarkable man and his contribution of medical science. I ask the full Senate to join me in saluting this man's singular courage and selflessness.

The resolution was agreed to.

The presumable was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 130

Whereas Doctor Barney Clark made medical history by becoming the first human recipient of a permanent artificial heart;

Whereas the eyes of the Nation, and of the world, were focused for one hundred and twelve days on the progress he made in this medical adventure into the far reaches of science and medicine;

Whereas his courage in volunteering to assume the role which allowed this phenomenal technology to be analyzed and perfected established him as a pioneer in the development of modern medical techniques;

Whereas Doctor Clark demonstrated tremendous bravery and tenacity in a long fight for survival in one of the most outstanding medical achievements of our time; and

Whereas Doctor Clark fully deserves the acclaim of the American people and the Presidential Medal of Freedom: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL MENTAL HEALTH COUNSELORS WEEK

The joint resolution (S.J. Res. 203) designating the week beginning April 8, 1984, as "National Mental Health Counselors Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 203

Whereas mental health counselors work in a specialized field of counseling which emphasizes the developmental and adjustive nature of mental health services;

Whereas mental health counselors utilize individual and group counseling techniques oriented toward assisting individuals with methods of problem solving, personal and social development decisionmaking, and the complex process of developing self-understanding and making life decisions;

Whereas mental health counselors work in conjunction with other helping professionals, such as psychiatrists, psychologists, and social workers to determine the most appropriate counseling for each client;

Whereas mental health counselors work in psychiatric hospitals, community mental health agencies, private clinics, college campuses, rehabilitation centers, and private practice providing almost 50 per centum of direct delivery of mental health services;

Whereas mental health counselors are individuals upon whom, by virtue of their education and extensive training, have been conferred masters or doctors of philosophy degrees in mental health counseling or community mental health counseling, or similar degree titles having a focus on mental health; and

Whereas mental health counselors, after having earned such degrees, have performed at least two years of supervised clinical counseling, and are licensed or certified as such in the State of their residence, or are certified by the National Academy of Certified Clinical Mental Health Counselors: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 8, 1984, is designated "National Mental Health Counselors Week". The President is requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

YEAR OF EXCELLENCE IN EDUCATION

The joint resolution (S.J. Res. 210) to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education" was considered.

Mr. TRIBLE. Mr. President, the resolution before us designates 1984 as the "Year of Excellence in Education." I can think of no more important determination.

The findings of the National Commission on Excellence in Education provided us with unassailable evidence that we must make a concerted effort to improve our schools.

Americans are now aware that our future as a nation, our economic well-being, the character of our citizens depends on our educational system. If we are to prosper, if we are to foster our common bonds as citizens, if we are to maintain our technological leadership, we must demand the best for our schools.

It would be my hope that this resolution would sustain the national debate on improving educational quality. The challenge before us is to identify reforms which serve the national interest, reforms that will be adopted by State and local officials.

The Federal Government cannot and should not impose new educational strategies on the States or localities. Time and again we have seen Federal reform efforts flounder because they failed to address local needs adequately. In this matter, self restraint is a virtue as we seek to build on the diversity of our society.

Our national examination of the paths to educational excellence must involve all levels of Government. We must identify our goals clearly and agree on appropriate division of responsibility.

We must take advantage of the vast experience and talent available to us throughout the Nation. We should look to school boards, teachers, and principals, who best understand the specific requirements of their communities and their students, and we must utilize their knowledge.

And we must actively involve parents. No true improvement can take place without their wholehearted support. Their example is the best teacher. The expectations created by parents and the values instilled by them are the major determinants of how children will fare in schools and in life.

Along with efforts to implement new strategies that encourage academic achievement, we must devise new incentives to recruit and retain excellent teachers for our schools. It is one of our most noble—and undervalued—professions, and we must seek ways to reward personal ability and professional competence. Those in the classroom must be recognized for their contributions to our society.

In my State of Virginia, there have been notable developments. My alma mater, Hampden-Sydney College in Virginia, has instituted a private program to provide interest-free loans and scholarship grants to students who commit themselves to a career in public school teaching. After 2 or 3 years of teaching, the loans made by the college would be entirely forgiven. This is precisely the kind of initiative that ought to be emulated throughout the country.

In addition, in West Point, Va., the Chesapeake Corp., has formed a partnership with the West Point public schools to provide an engineer to teach math and science in exchange for the use of the schools' facilities and personnel. Chesapeake Corp. employees will be able to participate in a physical fitness program and adult education courses provided by West Point schools.

Mr. President, there can be no civilized life without trained intelligence. American education must seek to cultivate this trained intelligence as it affirms the power of the past and the promise of the future.

The resolution designating 1984 as the "Year of Excellence in Education" is the first step toward restoring American education to its traditional preeminence. As individuals, we must endeavor to nurture love of learning, respect for authority, and the will to achieve at home. As a society, our goal must be motivated and disciplined students and enthusiastic and dedicated teachers. For only by realizing these values can we be assured of a strong nation in the 21st century.

Mr. President, I want to thank the distinguished chairman of the Judiciary Committee, Senator THURMOND, for his work on behalf of the resolution. He was the first cosponsor, and I know of no one in the Senate who has a deeper concern for educational excellence.

I also express my gratitude to my 37 other colleagues who joined me in cosponsoring this expression of congressional commitment.

Mr. WARNER. Mr. President, as a cosponsor with my colleague from Virginia (Mr. TRIBLE) of this resolution to designate 1984 as the "Year of Excellence in Education," I want to congratulate him for bringing this legislation before the Senate.

We hope this joint resolution will cause all levels of government and the American people to focus their attention on positive, appropriate, and exciting innovative ideas to improve and strengthen education.

Our Nation will endure as long as we remain free. A nation that continues to provide excellent educational opportunity for all its people will have no trouble maintaining freedom.

I hope we will take this opportunity to find fitting answers in our search for excellence and not spend our time finding fault.

We cannot let this opportunity pass, Americans are ready to improve our educational opportunities, our children deserve the best; let us all work together to provide the answers.

Mr. SYMMS. Mr. President, I am pleased to lend my active support to the resolution sponsored by Mr. TRIBLE, Senate Joint Resolution 210, designating January 1 through December 31, 1984 as the "Year of Excellence in Education."

The 1983 report by the National Commission on Excellence in Education, "A Nation at Risk," defined the condition of our educational system. Education has always been an issue of concern to American people because it touches almost everyone. But, an increased national concern has been focused by the Commission's report.

Certainly it is to our Nation's advantage to have a strong educational system that prepares young people for the challenges awaiting them. The changing American economy will require new skills and greater adaptability of the Nation's work force in the future. Our schools will play an integral role in meeting this challenge.

The education of our next generation is a responsibility for all, not solely a governmental concern. Parents, students, school board members, educators, and taxpaying citizens have all become more active in contributing toward efforts for change and improvement. Working together, our collective efforts will be successful in formulating a new direction and commitment for education that will survive long after 1984, the "Year of Excellence in Education."

Many of the solutions to the education problems are already in existence. The schools are working to improve quality, while at the same time responding to the unique needs of today's children—needs which are not the same as in years past. Schools are succeeding, even under difficult circumstances, in many cases.

It has always been my belief that control of educational systems should be at the local level. Schools should be responsive to the unique needs of the students and community. The Federal Government has traditionally played a limited role.

Present Federal programs for education are intended to assist parents, States, and localities in providing education, especially for educationally disadvantaged, low income, and handicapped persons.

Those Senators working on initiatives to strengthen schools will be looking toward the role of Government in leadership and research, to foster educational improvement.

I urge my fellow Members to approve Senate Joint Resolution 210, to add the strength of congressional support and concern for education, by naming 1984 as the "Year of Excellence in Education."

Mr. CHAFEE. Mr. President. I was pleased to join with Senator TRIBLE recently in cosponsoring Senate Joint Resolution 210, a resolution designating 1984 as the "Year of Excellence in Education."

This measure is a fitting expression of the Senate's strong commitment to encouraging continued public awareness of the importance of education to our Nation's future prosperity. Last year, this public understanding of the vital role played by education was heightened by a series of reports which assessed the shortcomings of our school systems.

The report of the National Commission on Excellence in Education helped to catapult education to the forefront of our national consciousness by analyzing our problems and providing a positive blueprint for change. Other distinguished studies have followed, urging steps to bolster instruction and reverse the decline in achievement.

The thorough reexamination given to education in the United States last year has had a tremendous impact. School boards across the country have taken steps to improve the use of time in school classrooms, to tighten academic standards, and to improve ties between schools and the community. We have also seen a series of encouraging initiatives at the State level. In Rhode Island, the State Board of Regents for Elementary and Secondary Education has increased the graduation requirements for college-bound students and upgraded teacher certification standards. The State is also moving to develop a statewide student competency examination and to upgrade curriculum standards.

Important progress is being made in the quest for quality in education. But more can be done, and it will require continued leadership from the Federal Government, from State and local leaders, from school boards, school administrators, teachers, and from parents.

Designation of 1984 as the "Year of Excellence in Education" can help to remind all our citizens that as a nation we cannot afford to settle for less than the best our education system is capable of achieving. I look forward to joining my colleagues in voting to approve this resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 210

Whereas the future of our Nation depends on the quality of education today;

Whereas every child is a precious resource whose potential should be realized to the fullest;

Whereas preservation of our priceless legacy of democracy, individual liberty, and rule of law requires informed citizens;

Whereas an economy based increasing on technical competence will impose new demands on our schools;

Whereas the National Commission on Educational Excellence and numerous other nationwide studies have concluded that there is an urgent need to improve our American education;

Whereas a national effort is necessary to revitalize our educational system;

Whereas academic excellence requires parential involvement;

Whereas a quality education for our teachers is essential to ensure the competence of our Nation's future leaders; and

Whereas local community and volunteer efforts in support of education require more national recognition: Now, therefore, be it

Resoloved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing January 1, 1984, and ending December 31, 1984, is designated as the "Year of Excellence in Education", and the President is authorized and requested to issue a proclamation encouraging parents, teachers, administrators, government officials, and people of the United States to observe the year with activities aimed at restoring the American educational system to its place of preeminence among the nations of the world.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL FAMILY WEEK

The joint resolution (S.J. Res. 211) designating the week of November 18, 1984, through November 24, 1984, as "National Family Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 211

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 18, 1984, through November 24, 1984, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL STUDENT LEADERSHIP WEEK

The joint resolution (S.J. Res. 215) to designate the week of April 23-27, 1984, as "National Student Leadership Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 215

Whereas more than ten million young Americans are participating in cocurricular activities in secondary schools across the Nation;

Whereas these activities, which include student government, speech, debate, music, journalism, cheerleading, science and mathematics clubs, academic, vocational and other student organizations, contribute greatly to developing leadership qualities in our youth;

Whereas these students will be our Nation's future leaders; and

Whereas it is in the national interest to promote increased emphasis in our students' well-rounded education, which includes a rigorous academic experience and successful leadership experiences in the school setting: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 23-27, 1984, is designated as "National Student Leadership Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the citizens of the United States, local and State government officials, and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby demonstrating their support for our students' overall education.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENIOR CENTER WEEK

The joint resolution (S.J. Res. 217) to authorize and request the President to designate the week of May 6, 1984, through May 12, 1984, as "Senior Center Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 217

Whereas local communities support over eight thousand senior centers and there is hardly a city or town without one;

Whereas senior centers affirm the dignity, self-worth and independence of older persons by facilitating their decisions and action, tapping their experiences, skills and knowledge, and enabling their continued contribution to the community;

Whereas, encouraged and supported by the Older Americans Act, senior centers function as service delivery focal points, helping older persons to help themselves and each other, and offering service or access to community services as needed;

Whereas the month of May has historically been proclaimed Older Americans Month, and communities across the country are giving special recognition to older persons and the role of senior centers in serving them; and

Whereas the national theme for Older Americans' month is Health and Physical Fitness, and senior centers nationwide are viewed as centers of wellness and activity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested, as part of the proclamation for Older Americans Month, to designate the week of May 6, 1984 through May 12, 1984, as "Senior Center Week" and to call upon the people of the United States to honor older Americans and these local organizations that bring together activities and services for their benefit.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HOME CARE WEEK

The joint resolution (S.J. Res. 237) to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 237

Whereas organized home health care service to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care is recognized as an effective and economical alternative to unecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program, including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than four thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 25, 1984, through December 1, 1984, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LUPUS AWARENESS WEEK

The joint resolution (S.J. Res. 239) designating the week of October 21, 1984, through October 27, 1984 as "Lupus Awareness Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 239

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 21, 1984, through October 27, 1984, is designated as "Lupus Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JEWISH HERITAGE WEEK

The joint resolution (S.J. Res. 241) to authorize and request the President to issue a proclamation designating May 6, through May 13, 1984, as "Jewish Heritage Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 241

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country;

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the

Jewish community and the contributions of Jews of our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MISSING CHILDREN DAY

The joint resolution (S.J. Res. 252) to designate May 25, 1984, as "Missing Children Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 252

Whereas on May 25, 1979, six-year-old Etan Patz disappeared from his home in New York City and is still missing;

Whereas over one million eight hundred thousand children disappear from home annually;

Whereas children who are missing from home and are not living in a family environment are frequently the victims of sexual and physical exploitation;

Whereas an estimated 60 per centum of missing children are sexually abused while away from home;

Whereas the search for missing children is frequently a low-priority investigation in many law enforcement agencies;

Whereas efforts between Federal and local law enforcement agencies in child abduction cases are usually uncoordinated, haphazard, and ineffective; and

Whereas the problem of the missing child has been plagued by misinformation and there is a need to increase public understanding and awareness of this problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 25, 1984, is designated as "Missing Children Day", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONTRIBUTION OF BLACKS TO AMERICAN INDEPENDENCE

The joint resolution (H.J. Res. 454) honoring the contribution of blacks to American independence was considered.

Mr. WEICKER. Mr. President, I rise today to support passage of House Joint Resolution 454, sponsored in the House by Congresswoman NANCY JOHNSON. I have introduced a similar resolution, Senate Joint Resolution 221, honoring the contribution of blacks in the formation of the United States.

More than 5,000 blacks served as soldiers in the American Revolution. Many are unknown soldiers, who used assumed names or were identified only by race or as the property of a particular slaveowner.

Of all those who rose up against oppression by the British, those black soldiers had perhaps the greatest understanding of the value of liberty and the opportunity to fight for it. Yet they defended the right to freedom which many would never themselves enjoy, for it was not until 1868 that the Constitution granted their descendants, by passage of the 14th amendment, the rights for which they fought and many died.

Last year Congress established a day to honor Dr. Martin Luther King, Jr., for his achievements in the ongoing struggle against oppression and injustice. This resolution is offered in the same spirit, recognizing the achievements of other black Americans, many unknown, who fought for the cause of liberty and democracy in our country. It took 15 years to recognize Dr. King, but it has taken over 200 years to give these men the recognition they deserve.

Mr. President, I thank the Judiciary Committee for their expeditious handling of this resolution, and I thank my colleagues in both the House and Senate who join me in honoring the black patriots of the American Revolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL BUILDING SAFETY WEEK

The joint resolution (S.J. Res. 70) to designate the week beginning April 17, 1984, as "National Building Safety Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 70

Whereas the health and safety of the people of the Nation are a vital concern of the Federal Government;

Whereas since the founding of the Nation, it has been the responsibility of State and local governments to enact and enforce laws and ordinances whenever necessary to protect the health and safety of their residents in the buildings in which they live, work, and worship;

Whereas for purposes of ensuring such health and safety, many State and local governments have adopted and enforce current model building codes and standards that have been developed and maintained with the assistance of interested and affected parties;

Whereas it is through the untiring efforts of the State and local building code enforcement personnel of the Nation, with the support of their elected officials, that the effective administration of these important health and life safety regulations is ensured; and

Whereas it is necessary that the people of the Nation have an opportunity to become aware of the vital health and safety services provided by such enforcement personnel: Now, therefore, be it

Resolved by the Senate and House Representatives of the United States of America in Congress assembled, That the week beginning April 8, 1984, hereby is designated "National Building Safety Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Amend the title so as to read: "Joint resolution to designate the week beginning April 8, 1984, as 'National Building Safety Week'.".

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF S. 2018

Mr. BAKER. Mr. President, the request I am about to put at this time appears to be cleared by the distinguished minority leader, and I will state it now for his consideration and that of other Senators.

I ask unanimous consent that S. 2018, the National Organ Transplant Act, be jointly referred to the Committee on Labor and Human Resources and the Committee on Finance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two other matters, I say to the minority leader, that I should like to take up at this time. They are a House message on S. 979 and House Concurrent Resolution 264.

Mr. BYRD. I have no objection.

Mr. BAKER. I thank the minority leader.

EXPORT ADMINISTRATION AMENDMENTS ACT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 979.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 979) entitled "An Act to amend and reauthorize the Export Administration Act of 1979", do pass with the following amendment: Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. Titles I and II of this Act may be cited as the "Export Administration Amendments Act of 1983".

TITLE I—AMENDMENTS TO EXPORT ADMINISTRATION ACT OF 1979

REFERENCE TO THE ACT

SEC. 101. For purposes of this title, the Export Administration Act of 1979 shall be referred to as "the Act".

VIOLATIONS

SEC. 102. (a) Section 11(b) of the Act (50 U.S.C. App. 2410(b)) is amended by inserting after paragraph (2) the following new paragraphs:

"(3) Any person who conspires or attempts to export anything contrary to any provision of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of a violation of an export control imposed under section 5 of this Act, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.

"(4) Any person who possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act or any regulation, order, or license issued with respect to such control; or

"(B) knowing or having reason to believe that the goods or technology would be so exported;

shall, in the case of a violation of an export control imposed under section 5, be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6, be subject to the penalties set forth in subsection (a).

"(5) Any person who takes any action with the intent to evade the provisions of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of an evasion of a foreign policy or national security control, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.".

(b) Section 11(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) An exception to any order issued under this Act which revokes the authority of a United States person to export goods or technology may not be made unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate are first consulted concerning the exception.".

(c) Section 11(e) of the Act is amended by inserting "or any property interest or proceeds forfeited pursuant to subsection (f)" after "subsection (c)".

(d) Section 11 of the Act is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) FORFEITURE OF PROPERTY INTEREST AND PROCEEDS.—Any person who is convicted of a violation of an export control imposed under section 5 of this Act shall, in addition to any other penalty, forfeit to the United States (1) any property interest that person has in the goods or technology that were the subject of the violation or that were used to facilitate the commission of the violation, and (2) any proceeds derived directly or indirectly by that person from the transaction from which the violation arose.".

(e) Section 11(h) of the Act, as redesignated by subsection (d) of this section, is amended by striking out "or (f)" and inserting in lieu thereof "(f), or (g)".

ENFORCEMENT AUTHORITY

SEC. 103. Section 12(a) of the Act (50 U.S.C. App. 2411(a)) is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary may designate any officer or employee of the Department of Commerce to do the following in carrying out enforcement authorities under this Act:

"(A) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of the provisions of this Act.

"(B) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed or is committing such a violation.

"(C) Search without warrant or process any person, place, or vehicle on which, and any baggage in which, the officer or employee has probable cause to believe there are goods or technology being exported or about to be exported in violation of this Act.

"(D) Seize without warrant or process any goods or technology which the officer or employee has probable cause to believe have been, are being, or are about to be exported in violation of this Act.

"(E) Carry firearms in carrying out any activity described in subparagraphs (A) through (D).

"(3)(A) Notwithstanding any other provision of law, the authority of customs officers with respect to violations of this Act shall be limited to (i) inspection of or other search for and detention and seizure of goods or technology at those places in which such officers are authorized by law to conduct such searches, detentions, and seizures, and (ii) any investigation conducted prior to such inspection, search, detention, or seizure. Upon seizure by any customs officer of any goods or technology in the enforcement of this Act, the matter shall be referred to the Department of Commerce for further investigation and other appropriate action under this Act.

"(B) In conducting inspections of goods and technology in the enforcement of this Act, the United States Customs Service shall limit those inspections to goods and technology with respect to which the Customs Service has received specific information of possible violations of this Act, and shall not conduct random inspections which would result in the detainment of shipments of goods or technology that are in full compliance with this Act.

"(C) Notwithstanding any other provision of law, not more than $14,000,000 may be expended by the United States Customs Service in any fiscal year in the enforcement of export controls.

"(4) All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection or section 11(f) of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subsection or section 11(f) of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this subsection and section 11(f) of this Act, be exercised or performed by the Secretary or by such persons as the Secretary may designate.".

FINDINGS; DECLARATION OF POLICY

SEC. 104. (a)(1) Section 2 of the Act (50 U.S.C. App. 2401) is amended in paragraph (3) by striking out "which would strengthen the Nation's economy" and inserting in lieu thereof "consistent with the economic, security, and foreign policy objectives of the United States".

(2) Section 2 of the Act is further amended by adding at the end thereof the following:

"(10) It is important that the administration of export controls imposed for foreign policy purposes give special emphasis to the need to control exports of goods and substances hazardous to the public health and the environment that are banned or severely restricted for use in the United States, which exports could affect the international reputation of the United States as a responsible trading partner.".

(b) Section 3 of the Act (50 U.S.C. App. 2402) is amended by adding at the end thereof the following:

"(12) It is the policy of the United States to sustain vigorous scientific enterprise. To do so requires protecting the ability of scientists and other scholars freely to communicate their research findings by means of publication, teaching, conferences, and other forms of scholarly exchange.

"(13) It is the policy of the United States to control the export of goods and substances banned or severely restricted for use in the United States in order to foster public health and safety and to prevent injury to the foreign policy of the United States as well as the credibility of the United States as a responsible trading partner.".

TYPES OF LICENSES

SEC. 105. Section 4(a)(2) of the Act (50 U.S.C. App. 2403(a)(2)) is amended to read as follows:

"(2) Licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of a validated license for each such export, including but not limited to the following:

"(A) A qualified general license, authorizing exports of goods for approved end uses.

"(B) A distribution license, authorizing exports of goods to approved distributors or users of the goods.

"(C) A project license, authorizing exports of goods or technology for a specified activity.

"(D) A service supply license, authorizing exports of spare or replacement parts for goods previously exported.

"(E) A comprehensive operations license, authorizing exports of goods or technology between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint venturers, and licensees of that concern which are approved by the Secretary.".

NATIONAL SECURITY CONTROLS

SEC. 106. (a)(1) Section 5(a)(1) of the Act (50 U.S.C. App. 2404(a)(1)) is amended by inserting after the first sentence the following new sentence: "The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of countries to which exports of such goods or technology are controlled under this section.".

(2) Section 5(a)(1) is further amended by inserting "the Secretary of State, the Secretary of the Treasury, the United States Trade Representative," in the last sentence after the phrase "the Secretary of Defense,".

(b) Section 5(b) of the Act is amended by adding at the end thereof the following new sentence: "No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States, except that the Secretary may require an export license for the export of such goods or technology to such end users as the Secretary may specify by regulation. The Secretary may also by regulation require any person exporting any such goods or technology otherwise subject to export controls under this section to notify the Department of Commerce of those exports.".

(c) Section 5(b) of the Act is further amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following:

"(2) The export of goods and technology to the People's Republic of China should be subject to no greater restriction under this Act than the export of goods and technology to any friendly nonaligned country.".

(d) Section 5(e) of the Act is amended by adding at the end thereof the following:

"(5) The export of technology and related goods subject to export controls under this section, including items on the list of militarily critical technologies developed pursuant to subsection (d) of this section, shall be eligible for a comprehensive operations license which would authorize, over a period of years and to countries other than those described in section 620(f) of the Foreign Assistance Act of 1961, multiple exports and reexports between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint venturers, and licensees of that concern which are approved by the Secretary.

"(6) The export to countries other than those described in section 620(f) of the Foreign Assistance Act of 1961 of goods and technology subject to export controls under this section shall be eligible for a distribution license or other licenses authorizing multiple exports. The Secretary shall periodically monitor exports made pursuant to such licenses in order to insure compliance with the provisions of this Act.".

(e) Section 5(g) of the Act is amended—

(1) in the second sentence by striking out "by the latest such increase" and inserting in lieu thereof "by the regulations"; and

(2) by inserting after the first sentence the following: "The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology from such license requirements the anticipated needs of the military of countries to which exports are controlled for national security purposes.".

(f) Section 5(k) of the Act is amended—

(1) by inserting ", including those countries not participating in the group known as the Coordinating Committee," after "other countries"; and

(2) by striking out "section 3(9)" and inserting in lieu thereof "paragraphs (9) and (10) of section 3".

(g) Section 5 of the Act is amended by adding at the end thereof the following new subsection:

"(m) GOODS CONTAINING MICROPROCESSORS.—Export controls may not be imposed under this section on a good solely on the basis that the good contains an embedded microprocessor, if such microprocessor cannot be used or altered to perform functions other than those it performs in the good in which it is embedded. An export control may be imposed under this section on a good containing such a microprocessor only on the basis that the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

"(n) NUCLEAR EXPORTS.—Notwithstanding section 17 of this Act or any other provision of law—

"(1) no license may be issued under this Act for the export to a nonnuclear-weapon state of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary, are likely to be diverted for use in such a facility;

"(2) no authorization to engage, directly or indirectly, in the production of any special nuclear material in a nonnuclear-weapon state may be given;

"(3) no license may be issued for the export to a nonnuclear-weapon state of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and

"(4) no retransfer to a nonnuclear-weapon state of any goods, technology, special nuclear material, components, items, or substances described in paragraphs (1), (2), and (3) may be approved;

unless the country to which the goods, technology, components, items, or substances will be exported or retransferred, or in which the special nuclear material is to be produced, maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities. The restrictions contained in the preceding sentence shall apply to any decision made after August 1, 1983, to issue a license described in paragraph (1) or (3), to give an authorization described in paragraph (2), or to approve a retransfer described in paragraph (4). The restrictions contained in this subsection shall not apply in a particular case if the President determines by Executive order that to apply the prohibition in that case would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security and if, at least 60 days before the export, retransfer, or other activity authorized is carried out, the President submits that Executive order, together with the reasons for his determination, to the Congress.".

COORDINATING COMMITTEE

SEC. 107. Section 5(i) of the Act (50 U.S.C. App. 2404(i)) is amended by adding at the end thereof the following:

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for the Committee, and improve the structure and function of the Secretariat of the Committee by upgrading professional staff, translation services, data base maintenance, communications, and facilities.

"(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verify effectively the movement of goods or technology subject to controls by the Committee from the country of one such government to the territory of the country of any other such government or to any other country.

"(7) Agreement to establish uniform, adequate criminal and civil penalties to more effectively deter diversions of items controlled for export by agreement of the Committee.

"(8) Agreement to increase onsite inspections by national enforcement authorities of the participating governments to insure that end users who have imported items controlled for export by agreement of the Committee are using such items for the stated end uses, and that such items are, in fact, under the control of those end users.

"(9) Agreement to strengthen the Committee so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the benefit of all participants.

"(10) Agreement to provide for the imposition and enforcement of export sanctions by the governments participating in the Committee against the Soviet Union or any other country if the Soviet Union or other country commits violent acts against unarmed civilians of another country.".

FOREIGN AVAILABILITY

SEC. 108. (a) Section 5(f)(1) of the Act (50 U.S.C. App. 2404(f)(1)) is amended by inserting after the second sentence the following new sentence: "For purposes of the preceding sentence, the term 'detrimental to the national security of the United States' means likely to result in a significant reduction in the military capabilities of the United States or likely to result in a significant advance in the military capabilities of countries to which the goods or technology involved are controlled under this section."

(b) Section 5(f)(4) of the Act (50 U.S.C. App. 2404(f)(4)) is amended by striking out the first sentence and inserting in lieu thereof the following: "In any case in which export controls are maintained under this section notwithstanding foreign availability, on account of a determination by the President that the absence of the controls

would prove detrimental to the national security of the United States, the President shall take the necessary steps to conduct negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

(c) Section 5(f)(3) of the Act is amended to read as follows:

"(3) With respect to export controls imposed under this section, in making any determination of foreign availability, the Secretary shall accept the representations of applicants unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, and intelligence information.".

(d)(1) Section 5(f)(5) of the Act is amended to read as follows:

"(5) The Secretary shall establish in the Department of Commerce an Office of Foreign Availability which shall be under the direction of the Assistant Secretary of Commerce for Trade Administration. The Office shall be responsible for gathering and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability under this Act. The Secretary shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at the end of each 6-month period during a fiscal year information on the operations of the Office during that 6-month period. Such information shall include a description of every determination made under this Act during that 6-month period that foreign availability did not exist, together with an explanation of that determination.".

(2) Section 5(f)(6) of the Act is amended by striking out "Office of Export Administration" and inserting in lieu thereof "Office of Foreign Availability".

(e) Section 5(f) of the Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall issue regulations with respect to determinations of foreign availability under this Act not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1983.".

(f) Section 5(h)(6) of the Act is amended by striking out "and provides adequate documentation" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification, in accordance with the procedures established pursuant to subsection (f)(1) of this section. The Secretary shall investigate the foreign availability so certified and, not later than 90 days after the certification is made, shall submit a report to the technical advisory committee and the Congress stating that (A) the Secretary has removed the requirement of a validated license for the export of the goods or technology, on account of the foreign availability, (B) the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, or (C) the Secretary has determined on the basis of the investigation that the foreign availability does not exist. To the extent necessary, the report may be submitted on a classified basis. In any case in which the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, the President shall take the necessary steps to conduct such negotiations with the governments of the appropriate foreign countries. If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

MILITARILY CRITICAL TECHNOLOGIES

SEC. 109. Section 5(d) of the Act (50 U.S.C. App. 2404(d)) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4)(A) The Secretary and the Secretary of Defense shall complete the integration of the list of militarily critical technologies into the commodity control list not later than April 1, 1985. The integration of the list of militarily critical technologies into the commodity control list shall be completed with all deliberate speed, and the Secretary and the Secretary of Defense shall report to the appropriate committees of the Congress, before April 1, 1985, any circumstances which would preclude the completion of the integrated list by that date. Any disagreement between the Secretary and the Secretary of Defense as to whether a good or technology on the list of militarily critical technologies should be integrated into the commodity control list shall be resolved by the President not later than November 1, 1984. Such integrated list shall include only a good or technology with respect to which the Secretary finds that countries to which exports are controlled under this section do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to such a country from sources outside the United States in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than April 1, 1985, on actions taken to carry out this subparagraph.

"(B) The General Accounting Office shall evaluate the efforts of the Secretary and the Secretary of Defense to integrate the list of militarily critical technologies into the commodity control list, and the feasibility of such integration. In conducting such evaluation, the General Accounting Office shall determine whether foreign availability was used as a criterion in developing the commodity control list pursuant to subparagraph (A) and whether the completed list reflected the intent of the Congress in enacting this subsection. In conducting such evaluation, the General Accounting Office shall have access to all information relating to the list of militarily critical technologies. Not later than April 1, 1985, the General Accounting Office shall submit a detailed report to the Congress on the results of the evaluation conducted pursuant to this subparagraph.

"(C) The Secretary and the Secretary of Defense, in integrating the list of militarily critical technologies into the commodity control list pursuant to subparagraph (A), shall consider mechanisms to reduce the list of militarily critical technologies.

"(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually after the integrated list is completed pursuant to paragraph (4)(A), for the purpose of removing from the list of militarily critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may, after the integrated list is so completed, add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical. If the Secretary and the Secretary of Defense disagree as to whether any change in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the commodity control list, the President shall resolve the disagreement not later than 3 months after the change is made in the list of militarily critical technologies.

"(6) The Secretary of Defense shall, not later than April 1, 1985, report to the appropriate committees of the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to countries to which exports are controlled under this section has had or will have on the military capabilities of those countries.".

CRITERIA FOR FOREIGN POLICY CONTROLS; CONSULTATION WITH OTHER COUNTRIES; REPORT TO CONGRESS

SEC. 110. (a) Section 6(b) of the Act (50 U.S.C. App. 2405(b)) is amended to read as follows:

"(b) CRITERIA.—When imposing, expanding, or extending export controls on goods or technology under this section, the President shall consider whether—

"(1) the intended foreign policy purposes of the proposed controls can be achieved through negotiations or other alternative means;

"(2) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

"(3) the proposed controls will have an adverse effect on the economic or political relations of the United States with other friendly countries;

"(4) the proposed controls will have a substantial adverse effect on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a reliable supplier of goods and technology, or on the economic well-being of individual United

States industries, companies, and their employees and communities;

"(5) the United States has the ability to enforce the proposed controls effectively;

"(6) the proposed controls are likely to achieve the intended foreign policy purpose; and

"(7)(A) the good or technology, or a similar good or technology, is available in sufficient quantity from sources outside the United States to the country to which exports are to be subject to the proposed controls, or (B) negotiations have been successfully concluded with the appropriate foreign governments to ensure the cooperation of such governments in controlling the export of such good or technology to the country to which exports are to be subject to the proposed controls, except that the preceding provisions of this paragraph shall not apply if the President determines that the proposed controls are necessary to further efforts by the United States to counter international terrorism or to promote observance of internationally recognized human rights.".

(b) Section 6 of the Act is amended—

(1) by redesignating subsections (d) through (k) as subsections (e) through (l), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) CONSULTATION WITH OTHER COUNTRIES.—Before export controls are imposed under this section, the President should consult with the countries with which the United States maintains export controls cooperatively, and with such other countries as the President considers appropriate, with respect to the criteria set forth in subsection (b) and such other matters as the President considers appropriate.".

(c) Section 6(f) of the Act, as redesignated by subsection (b)(1) of this section, is amended to read as follows:

"(f) CONSULTATION WITH THE CONGRESS.—(1) The President may impose, expand, or extend export controls under this section only after consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) Following consultation with the Congress in accordance with paragraph (1) and before imposing, expanding, or extending export controls under this section, the President shall submit to the Congress a report—

"(A) indicating how the proposed export controls will further, significantly, the foreign policy of the United States or will further its declared international obligations;

"(B) specifying the conclusions of the President with respect to each of the criteria set forth in subsection (b), and any possible adverse foreign policy consequences;

"(C) describing the nature, the subjects, and the results of the consultation with industry pursuant to subsection (c) and with other countries pursuant to subsection (d);

"(D) specifying the nature and results of any alternative means attempted under subsection (e), or the reasons for imposing, expanding, or extending the controls without attempting any such alternative means; and

"(E) describing the availability from other countries of goods or technology comparable to the goods or technology subject to the proposed export controls, and describing the nature and results of the efforts made pursuant to subsection (h) to secure the cooperation of foreign governments in controlling the foreign availability of such comparable goods or technology.

The concerns expressed by Members of Congress during the consultations required by this subsection shall be specifically addressed in each report submitted pursuant to this paragraph.

"(3) To the extent necessary to further the effectiveness of the export controls, portions of a report required by paragraph (2) may be submitted to the Congress on a classified basis, and shall be subject to the provisions of section 12(c) of this Act.

"(4) In the case of export controls under this section which prohibit or curtail the export of any agricultural commodity, a report submitted pursuant to paragraph (2) shall be deemed to be the report required by section 7(g)(3) of this Act.".

(d) Section 6(i) of the Act, as redesignated by subsection (b)(1) of this section, is amended by striking out "(f), and (g)" and inserting in lieu thereof "(e), (g), and (h)".

EFFECT OF CONTROLS ON EXISTING CONTRACTS AND LICENSES

SEC. 111. (a) Section 6 of the Act (50 U.S.C. App. 2405), as amended by section 110 of this Act, is further amended by adding at the end thereof the following new subsection:

"(m) EFFECT OF CONTROLS ON EXISTING CONTRACTS AND LICENSES.—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed or any export license issued under this Act before such date. The preceding sentence shall not apply in a case in which the export controls imposed relate directly, immediately, and significantly to actual or imminent acts of aggression or of international terrorism, to actual or imminent gross violations of internationally recognized human rights, or to actual or imminent nuclear weapons tests, in which case the President shall promptly notify the Congress of the circumstances to which the export controls relate and of the contracts or licenses affected by the controls. Any export controls described in the preceding sentence shall affect existing contracts and licenses only so long as the acts of aggression or terrorism, violations of human rights, or nuclear weapons tests continue or remain imminent. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(b) Section 7 of the Act (50 App. 2406) is amended by adding at the end thereof the following new subsection:

"(k) EFFECT OF CONTROLS ON EXISTING CONTRACTS.—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed, including any contract to harvest unprocessed western red cedar (as defined in subsection (i)(4) of this section) from State lands, the performance of which contract would make the red cedar available for export. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(c) The amendment made by subsection (a) shall not apply to export controls imposed before the date of the enactment of this Act. The amendment made by subsection (b) shall apply to export controls in effect on the date of the enactment of this Act and export controls imposed after such date.

EXEMPTION FROM FOREIGN POLICY CONTROLS

SEC. 112. (a) Section 6(g) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(a)(1) of this Act, is amended to read as follows:

"(g) EXCLUSION FOR FOOD, MEDICINE, OR MEDICAL SUPPLIES.—This section does not authorize export controls on food, medicine, or medical supplies. This section also does not authorize export controls on donations of goods intended to meet basic human needs. It is the intent of the Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine, medical supplies, or food under the International Emergency Economic Powers Act. This subsection shall not apply to any export control on medicine, medical supplies, or food, other than donations, which is in effect on the effective date of the Export Administration Amendments Act of 1983. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, or donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

(b) Section (h) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(b)(1) of the Act, is amended—

(1) by designating the existing text of section (h) as paragraph "(1)"; and

(2) adding at the end thereof the following:

"(2) The President shall evaluate the results of his actions under paragraph (1) of this subsection by the end of the first 6-month period of controls imposed under this section and shall report the results of that evaluation to Congress by the end of such 6-month period.

"(3) In the event that the President's efforts are not successful in eliminating foreign availability during the first 6-month period when controls imposed under this paragraph are in effect, the Secretary shall thereafter take into account the foreign availability of goods or technology subject to controls. If the Secretary affirmatively determines that a similar good or technology is available in sufficient quantity from sources outside the United States to countries subject to such controls so that denial of the license would be ineffective in achieving the purposes of the controls, then, the Secretary shall issue a license for the export of such goods or technology during the period of such foreign availability. The Secretary shall remove such goods or technology from the list established pursuant to subsection (1) if he determines such action is appropriate.

"(4) The Secretary shall make a determination of foreign availability on his own initiative or upon receipt of an allegation that such availability exists from an export license applicant. The Secretary shall accept the applicant's representations made in writing and supported by clear and convincing evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information.

"(5) Paragraph (3) of this subsection shall not apply in a case in which export controls are imposed under subsections (i), (j), or (k) of this section.

"(6) The Secretary shall promulgate regulations establishing procedures for carrying out this section.".

FOREIGN POLICY CONTROLS AUTHORITY

SEC. 113. (a) Section 6(a)(1) of the Act (50 U.S.C. App. 2405(a)(1)) is amended to read as follows: "In order to carry out the policy set forth in paragraph (2)(B), (7), (8), or (13) of section 3 of this Act, the President may prohibit or curtail the exportation from the United States of any goods, technology, or other information produced in the United States, to the extent necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations. The authority granted by this subsection shall be exercised by the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses issued by the Secretary.".

(b) Section 6(a) of the Act is further amended by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Any export control imposed under this section shall apply to any transaction or activity undertaken with the intent to evade that export control, even if that export control would not otherwise apply to that transaction or activity.".

(c) Section 6 of the Act, as amended by sections 110 and 111 of this Act, is further amended by adding at the end thereof the following new subsection:

"(n) EXPANDED AUTHORITY TO IMPOSE CONTROLS.—(1) In any case in which the President determines that it is necessary to impose controls under this section—

"(A) with respect to goods, technology, other information, or persons other than that authorized by subsection (a)(1) of this section; or

"(B) without any limitation contained in subsection (c), (d), (e), (g), (h), or (m) of this section,

the President may impose those controls only if the President submits that determination to the Congress, together with a report pursuant to subsection (f) of this section with respect to the proposed controls, and only if a law is enacted authorizing the imposition of those controls. If a joint resolution authorizing the imposition of those controls is introduced in either House of Congress within 30 days of continuous session after the Congress receives the determination and report of the President, that joint resolution shall immediately be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives. If either such committee has not reported the joint resolution at the end of 30 days of continuous session after its referral, such committee shall be deemed to be discharged from further consideration of the resolution.

"(2) For purposes of this subsection, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress, having received on a determination of the President under section 6(n)(1) of the Export Administration Act of 1979 with respect to the export controls which are set forth in the report submitted to the Congress with that determination, authorizes the President to impose those export controls.', with the date of the receipt of the determination and report inserted in the blank.

"(3) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

(d) The amendments made by subsections (a), (b), and (c) of this section shall not apply to export controls imposed under section 6 of the Act before the date of the enactment of this Act which are extended in accordance with such section 6 on or after such date of enactment.

CRIME CONTROL INSTRUMENTS

SEC. 114. (a) Section 6(k)(1) of the Act (50 U.S.C. App. 2405(k)(1)), as redesignated by section 110(b)(1) of this Act, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act, any determination of the Secretary—

"(A) of what goods or technology shall be included on the list established pursuant to subsection (l) of this section as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State, or

"(B) to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 10(e) of this Act,

except that if the Secretary does not agree with the Secretary of State with respect to any such determination, the matter shall be referred to the President for resolution.".

(b) The amendment made by subsection (a) shall apply to determinations of the Secretary of Commerce which are made on or after the date of the enactment of this Act.

REIMPOSITION OF EXPORT CONTROLS

SEC. 115. (a) Section 6 of the Act, as amended by sections 110, 111, and 113 of this Act, is further amended by adding at the end thereof the following new subsection:

"(o) EXTENSION OF CERTAIN CONTROLS.—Those export controls imposed under this section which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20, 1983 (except those controls with respect to the 1980 summer Olympic games), shall become effective on the date of the enactment of this subsection, and shall remain in effect until 1 year after such date of enactment. At the end of that 1-year period, any of those controls made effective by this subsection may be extended by the President in accordance with subsections (b) and (f) of this section.".

(b) Section 6(j) of the Act, as redesignated by section 110(b)(1) of this Act, is amended by adding at the end thereof the following new sentence: "Any such determination which has been made with respect to a country may not be rescinded unless the President first submits to the Congress a report justifying the rescission and certifying that the country concerned has not provided support for international terrorism, including support for groups engaged in such terrorism, for the preceding 12-month period.".

(c) The amendment made by subsection (b) shall apply with respect to any export control made effective by the amendment made by subsection (a).

PETITIONS FOR SHORT SUPPLY CONTROLS

SEC. 116. (a) Section 7(c)(1)(A) of the Act (50 U.S.C. App. 2406(c)(1)(A)) is amended to read as follows:

"(c) PETITIONS FOR MONITORING OR CONTROLS.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes metallic materials capable of being recycled (i) with respect to which an increase in domestic prices or a domestic shortage, either of which results from increased exports, is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry, and (ii) with respect to which a significant increase in exports is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry, may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.".

(b) Section 7(c)(1)(B) of the Act is amended—

(1) in clause (i) by striking out "and" after "supply,"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", and (iii) that the criteria set forth in paragraph (3)(A) of this subsection are satisfied.".

(c) Section 7(c)(1) of the Act is further amended by adding at the end thereof the following:

"(C)(i) For purposes of this subsection, the term 'substantial cause' means a cause which is important and not less than any other cause.

"(ii) Before March 1, 1984, the Secretary shall issue regulations, in accordance with section 553 of title 5, United States Code, which define the operative terms contained in section 3(2)(C) of this Act and in this subsection, including but not limited to the following: 'excessive drain', 'scarce materials', 'serious inflationary impact of foreign demand', 'domestic shortage', 'increase in domestic prices' and 'increase in the domestic price', 'representative of an industry or a substantial segment of an industry', 'domestic industry', 'specific period of time', 'national economy or any sector thereof', 'significant increase in exports', and 'adverse effect'.".

(d) Section 7(c)(3) of the Act is amended to read as follows:

"(3)(A) Within 45 days after the end of the 30-day or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of the material which is the subject of the petition, in order to carry out the policy set forth in section 3(2)(C) of this Act. In making such determination, the Secretary shall determine whether—

"(i) there has been a significant increase, in relation to a specific period of time, in exports of such material;

"(ii) there has been a significant increase in the domestic price of such material or a domestic shortage of such material and exports are a substantial cause of such domestic price increase or domestic shortage;

"(iii) exports of such material are or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry; and

"(iv) monitoring or controls or both are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination pursuant to subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.".

(e) Section 7(c)(6) of the Act is amended to read as follows:

"(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary shall not consider any other petition with respect to the same material or group of materials which is filed within 6 months after final action on the prior petition has been completed.".

(f) Section 7(c) of the Act is further amended—

(1) by striking out paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively;

(2) by amending paragraph (8), as redesignated by paragraph (1) of this subsection, to read as follows:

"(8) The authority under this subsection shall not be construed to affect the authority of the Secretary under any provision of this Act other than this section."; and

(3) by adding at the end thereof the following:

"(10) Notwithstanding subsection (a) or (b) of this section, no action in response to an informal or formal request by any entity described in paragraph (1)(A) of this subsection to impose controls on or monitor the export of metallic materials capable of being recycled shall be taken under this section except pursuant to this subsection. The Secretary, in any other case, may not impose controls on or monitor the export of metallic materials capable of being recycled unless the Secretary makes the determination required by paragraph (3)(A) of this subsection with respect to such controls or monitoring and complies with paragraph (3)(B) with respect to that determination.".

(g) Section 13(a) of the Act is amended by striking out "section 11(c)(2)" and inserting in lieu thereof "sections 7(c)(1)(C)(ii) and 11(c)(2)".

DOMESTICALLY PRODUCED CRUDE OIL

SEC. 117. Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended—

(1) in paragraph (1) by striking out "unless" and all that follows through "met" and inserting in lieu thereof "subject to paragraph (2) of this subsection";

(2) in paragraph (2)(A) by striking out "makes and publishes" and inserting in lieu thereof "so recommends to the Congress after making and publishing";

(3) in paragraph (2)(B)—

(A) by striking out "reports such findings" and inserting in lieu thereof "includes such findings in his recommendation"; and

(B) by striking out "thereafter" and all that follows through the end of the sentence and inserting in lieu thereof "after receiving that recommendation, agrees to a joint resolution approving such exports on the basis of those findings which is thereafter enacted into law."; and

(4) by adding at the end thereof the following:

"(4) Notwithstanding the provisions of section 20 of this Act, the provisions of this subsection shall expire on September 30, 1987.".

REFINED PETROLEUM PRODUCTS

SEC. 118. Section 7(e)(1) of the Act (50 U.S.C. App. 2406(e)(1)) is amended in the first sentence by striking out "No" and inserting in lieu thereof "In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act, the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no".

AGRICULTURAL EXPORTS

SEC. 119. (a) Section 7(g)(3) of the Act (50 U.S.C. App. 2406(g)(3)) is amended by amending the second sentence to read as follows: "If the Congress, within 60 days after the date of its receipt of such report, does not adopt a joint resolution approving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective at the end of that 60-day period.".

(b) The third sentence of section 7(g)(3) of the Act is amended by striking out "30-day" and inserting in lieu thereof "60-day".

LICENSING PROCEDURES

SEC. 120. (a) Section 10(c) of the Act (50 U.S.C. App. 2409(c)) is amended by striking out "90" and inserting in lieu thereof "60".

(b) Section 10(f)(2) of the Act is amended—

(1) by inserting "in writing" after "inform the applicant"; and

(2) by striking out ", and shall accord" and all that follows through the end of the paragraph and inserting in lieu thereof a period and the following: "Before a final determination with respect to the application is made, the applicant shall be entitled—

"(A) to respond in writing to such questions, considerations, or recommendations within 30 days after receipt of such information from the Secretary; and

"(B) upon the filing of a written request with the Secretary within 15 days after the receipt of such information, to respond in person to the department or agency raising such questions, considerations, or recommendations.".

(c) Section 10(f)(3) of the Act is amended—

(1) in the first sentence—

(A) by inserting "the proposed" before "denial" the first two places it appears; and

(B) by striking out "denial" the third place it appears and inserting in lieu thereof "determination to deny the application"; and

(2) by inserting after the first sentence the following new sentence: "The Secretary shall allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied.".

(d) Section 10 of the Act is amended—

(1) in the section heading by adding "; OTHER INQUIRIES" after "APPLICATIONS"; and

(2) by adding at the end thereof the following new subsections:

"(k) CHANGES IN REQUIREMENTS FOR APPLICATIONS.—Except as provided in subsection (b)(3) of this section, in any case in which, after a license application is submitted, the Secretary changes the requirements for such a license application, the Secretary may request appropriate additional information of the applicant, but the Secretary may not return the application to the applicant without action because it fails to meet the changed requirements.

"(l) OTHER INQUIRIES.—(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the commodity control list, the Secretary shall, within 10 days after receipt of the request, inform the person making the request of the proper classification.

"(2) In any case in which the Secretary receives a written request for information about the applicability of export license requirements under this Act to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receipt of the request, reply with that information to the person making the request.

"(m) Not later than 90 days after enactment of this subsection, and not later than the end of each 3-month period thereafter, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives, and to the Committees on Banking, Housing and Urban Affairs and on Foreign Relations of the Senate, a report listing all applications completed during the preceding 90 days which required more than 60 calendar days of processing before notification of a decision was sent to the applicant, and all applications not yet decided which have been in process more than 60 calendar days. With regard to each such application the report shall identify (1) the application case number, (2) the value of the goods or technology to which the application relates, (3) the country of destination of the goods, (4) the date on which the application was received by the Secretary, (5) the date on which the Secretary granted or denied the application, (6) the date on which the notification of approval or denial of the application was sent to the applicant, (7) the total number of days which elapsed between receipt of the application, in its properly completed form, and the earlier of the last day of the 3-month period to which the report relates, or the date that notification of the Secretary's decision on the application was sent, and (8) if the application was referred to other departments or agencies, a list of those departments or agencies, the dates on which the application was so referred, and the dates on which recommendations were received from each such agency or department. If more than 30 days elapses after referral of an application before any such department or agency submits its recommendations on such application to the Secretary, the report shall also list the divisions or offices within such department or agency responsible for processing the application. Each report shall also include a summary of the number of applications, and the value of the goods or technology involved in the applications, grouped according to the number of days before action on the applications was completed, as follows: 60–75 days, 76–90 days, 91–105 days, 106–120 days, and over 120 days. The report shall also include a summary by country of destination of the number of applications, and the value of the goods or technology involved in the applications, on which action was not completed within 60 days.".

TECHNICAL AMENDMENTS

SEC. 121. (a)(1) Section 7(i)(1) of the Act (50 U.S.C. App. 2406(i)(1)) is amended in the last sentence by inserting "harvested from State or Federal lands" after "red cedar logs".

(2) Section 7(i)(4)(A) of the Act is amended to read as follows:

"(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau

Export R-List Grades of Number 3 common or better;".

(b) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is amended by striking out "Nothing" and inserting in lieu thereof "Except as otherwise provided in this Act, nothing".

(c) Section 17 of the Act is further amended by adding at the end thereof the following:

"(f) AGRICULTURAL ACT OF 1970.—Nothing in this Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

(d) Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "(f)" and inserting in lieu thereof "(g)".

AUTHORIZATION OF APPROPRIATIONS

SEC. 122. (a) Section 18 of the Act (50 U.S.C. App. 2417) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGISLATION.—(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act may be obligated or expended only if—

"(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1983; or

"(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to carry out the purposes of this Act authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1983 which specifically repeals, modifies, or supersedes the provisions of this subsection.

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $24,600,000 for each of the fiscal years 1984 and 1985, of which for each such fiscal year $15,000,000 shall be available only for enforcement, $2,100,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $7,500,000 shall be available for all other activities under this Act; and

"(2) such additional amounts for each such fiscal year as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

TERMINATION OF AUTHORITY

SEC. 123. Section 20 of the Act (50 U.S.C. App. 2419) is amended to read as follows:

"TERMINATION DATE

"SEC. 20. The authority granted by this Act terminates on September 30, 1985.".

HOURS OF OFFICE OF EXPORT ADMINISTRATION

SEC. 124. The Secretary shall modify the office hours of the Office of Export Administration of the Department of Commerce on at least four days of each workweek so as to accommodate communications to the Office by exporters throughout the continental United States during the normal business hours of those exporters. The Secretary of Commerce shall conduct a study to determine the feasibility of using computer terminals located at ports and other points of exit from and entry into the United States in order to facilitate relevant agency interaction and to reduce delays in the issuance of export licenses under the Export Administration Act of 1979.

TITLE II—EXPORT PROMOTION PROGRAMS

REQUIREMENT OF PRIOR AUTHORIZATION

SEC. 201. (a) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out any export promotion program may be obligated or expended only if—

(1) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of this Act; or

(2) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any export promotion program authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) For purposes of this title, the term "export promotion program" means any activity of the Department of Commerce designed to stimulate or assist United States businesses in marketing their goods and services abroad competitively with businesses from other countries, including but not limited to—

(1) trade development (except for the trade adjustment assistance program) and dissemination of foreign marketing opportunities and other marketing information to United States producers of goods and services, including the expansion of foreign markets for United States textiles and apparel and any other United States products;

(2) the development of regional and multilateral economic policies which enhance United States trade and investment interests, and the provision of marketing services with respect to foreign countries and regions;

(3) the exhibition of United States goods in other countries;

(4) the operations of the United States Commercial Service and the Foreign Commercial Service, or any successor agency; and

(5)(a) establishment of a cooperative program, on a demonstration basis with the Department of Transportation, consistent with provisions of this Act, the International Aviation Facilities Act, the Federal Aviation Act of 1958, and United States foreign policy goals to:

(i) initiate technical assistance programs with the aviation authorities of other governments; and

(ii) initiate programs to assist United States firms in their efforts to export aerospace products and services. Such programs may include, but are not limited to:

(A) use of United States firms in technical assistance programs initiated with foreign governments;

(B) assisting United States firms to prepare and submit proposals to foreign governments or foreign aviation concerns;

(C) providing technical consultation and project management assistance to United States firms once foreign governments or aviation concerns have awarded contracts to United States firms; and

(D) assisting United States private sector civil aviation entities to develop training programs, by providing Federal Aviation Administration safety information, educational material, and advice.

(b) the Secretary shall report to the Congress not later than April 30, 1985, on the implementation of this program making recommendations on the advisability of its continuation and expansion to involve other sectors of the economy and Federal departments or agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. There is authorized to be appropriated for each of the fiscal years 1984 and 1985 to the Department of Commerce to carry out export promotion programs $100,458,000.

BARTER ARRANGEMENTS

SEC. 203. (a) The President shall, not later than one hundred eighty days after the date of the enactment of this Act, submit to the Congress a contingency plan for the promotion of exports of agricultural commodities through the bartering of surplus agricultural commodities produced in the United States for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, and make recommendations as to the feasibility of implementing such bartering.

(b) Notwithstanding any other provision of law, the President is authorized—

(1) to barter stocks of agricultural commodities acquired by the Government for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, in situations in which sales would otherwise not occur; and

(2) to purchase petroleum and petroleum products, and other materials vital to the national interest, which are produced abroad and acquired by persons in the United States through barter for agricultural commodities produced in and exported from the United States through normal commercial trade channels.

(c) The President shall take steps to insure that any barters described in subsections (a) and (b)(1) and any purchases authorized by subsection (b)(2) safeguard existing export markets for agricultural commodities operating on conventional business terms from displacement by barters described in subsections (a), (b)(1), and (b)(2).

TITLE III—SOUTH AFRICA

SHORT TITLE

SEC. 301. This title may be cited as the "United States Policy Toward South Africa Act of 1983".

SUBTITLE 1—LABOR STANDARDS

ENDORSEMENT AND IMPLEMENTATION OF FAIR EMPLOYMENT PRINCIPLES

SEC. 311. Any United States person who—

(1) has a branch or office in South Africa, or

(2) controls a corporation, partnership, or other enterprise in South Africa,

in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 312 of this Act are implemented.

STATEMENT OF PRINCIPLES

SEC. 312. (a) The principles referred to in section 311 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees, whether they are paid a salary or are compensated on an hourly basis; and

(B) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Establishing equal pay for all employees doing equal or comparable work, including—

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equally to all employees, regardless of race, who are engaged in equal or comparable work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and ingrade benefits so that all employees, regardless of race, who perform similar jobs are eligible for the same seniority and ingrade benefits.

(4) Establishing a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph;

(C) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(b) The Secretary may issue guidelines and criteria to assist persons who are or may be subject to this subtitle in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this subtitle as to whether that person is subject to this subtitle or would be considered to be in compliance with the principles set forth in subsection (a).

ADVISORY COUNCILS

SEC. 313. (a) The Secretary shall establish in South Africa an Advisory Council (1) to advise the Secretary with respect to the implementation of those principles set forth in section 312(a), and (2) to review periodically the reports submitted pursuant to section 314(a) and, where necessary, to supplement the information contained in such reports. The Advisory Council shall be composed of ten members appointed by the Secretary from among persons representing trade unions committed to nondiscriminatory policies, the United States Chamber of Commerce in South Africa, and the South African academic community, and from among South African community and church leaders who have demonstrated a concern for equal rights. In addition to the ten appointed members of the Advisory Council, the United States Ambassador to South Africa shall be a member of the Advisory Council, ex officio.

(b) The Secretary shall establish in the United States an American Advisory Council to make policy recommendations with respect to the labor practices of United States persons in South Africa and to review periodically the progress of such persons in carrying out the provisions of section 311 of this Act. The American Advisory Council shall be composed of 11 members appointed by the Secretary from among qualified persons, including officers and employees of the Department of State, the Department of Commerce, the Department of Labor, and the Equal Employment Opportunity Commission, and representatives of labor, business, civil rights, and religious organizations. The Secretary shall publish in the Federal Register any recommendations made by the American Advisory Council under this subsection.

(c) Members of the Advisory Council in South Africa and of the American Advisory Council shall be appointed for 3-year terms, except that of the members first appointed, three on each Council shall be appointed for terms of two years, and three on each Council shall be appointed for terms of one year, as designated at the time of their appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(d) The United States Ambassador to South Africa shall provide to the Advisory Council in South Africa the necessary clerical and administrative assistance. The Secretary shall provide such assistance to the American Advisory Council.

(e) Members of the Advisory Council in South Africa and of the American Advisory Council shall serve without pay, except that, while away from their homes or regular places of business in the performance of services for the respective Councils, members of the Advisory Councils shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

ENFORCEMENT; SANCTIONS

SEC. 314. (a) Each United States person referred to in section 311 of this Act shall submit to the Secretary (1) a detailed and fully documented annual report on the progress of that person in complying with the provisions of this subtitle, and (2) such other information as the Secretary determines is necessary.

(b) In order to insure compliance with this subtitle and any regulations issued to carry out this subtitle, the Secretary—

(1) shall establish mechanisms to monitor such compliance, including onsite monitoring with respect to each United States person referred to in section 311 of this Act at least once in every two-year period;

(2) shall make reasonable efforts within a reasonable period of time to secure such compliance by means of conference, conciliation, mediation, and persuasion;

(3) shall, in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, recommend to the Attorney General that criminal proceedings be brought against such person; and

(4) may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(c) The Secretary shall, within ninety days after giving notice and an opportunity for a hearing to each United States person referred to in section 311 of this Act, make a determination with respect to the compliance of that United States person with the provisions of this subtitle and any regulations issued to carry out this subtitle.

(d)(1) Any United States person with respect to whom the Secretary makes a determination under subsection (c) or (f) of this section either that the person is not in compliance with this subtitle or any regulations issued to carry out this subtitle, or that the compliance of the person with this subtitle or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, may not export any goods or technology directly or indirectly to South Africa.

(2)(A) In addition to the penalties set forth in paragraph (1), the Secretary may impose upon any United States person subject to those penalties—

(i) if other than an individual, a fine of not more than $1,000,000, or

(ii) if an individual, a fine of not more than $50,000.

(B)(i) Any officer, director, or employee of a United States person subject to the penalties set forth in subparagraph (A), or any individual in control of that United States person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation involved and (ii) any agent of such United States person who knowingly and willfully carried out such act or practice, shall be subject to a fine, imposed by the Secretary, of not more than $10,000.

(C) A fine imposed under subparagraph (B) may not be paid, directly or indirectly, by the United States person committing the violation involved.

(D) The payment of any fine imposed under this paragraph shall be deposited in the miscellaneous receipts of the Treasury. In the event of the failure of any person to pay a fine imposed under this paragraph, the fine may be recovered in a civil action in the name of the United States brought by the Secretary in an appropriate United States district court.

(3) Any United States person who exports any goods or technology in violation of paragraph (1) of this subsection shall, in addition to any other penalty specified in this subtitle, be fined, for each such violation, not more than five times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than five years, or both. For purposes of paragraph (1) and this paragraph, "goods" and "technology" have the same meanings as are given those terms in paragraphs (3) and (4) of section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(e) The Secretary shall issue an order carrying out any penalty imposed under paragraph (1) or (2) of subsection (d).

(f)(1) The Secretary shall, at least once in every two-year period, review and, in accordance with subsection (c), make a redetermination with respect to the compliance of each United States person referred to in section 311 of this Act with the provisions of this subtitle and any regulations issued to carry out this subtitle.

(2) In the case of any United States person with respect to whom the Secretary makes a determination under subsection (c) or paragraph (1) of this subsection either that the person is not in compliance with this subtitle or any regulations issued to carry out this subtitle, or that the compliance of the person with this subtitle or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, the Secretary shall, upon the request of that person and after giving that person an opportunity for a hearing, review and redetermine that person's compliance within sixty days after that person files the first annual report pursuant to subsection (a) of this section after the negative determination is made.

(g) Any United States person aggrieved by a determination of the Secretary under subsection (c) or (f) of this section may seek judicial review of that determination in accordance with the provisions of chapter 7 of title 5, United States Code.

(h) The Secretary shall submit an annual report to the Congress on the compliance of those United States persons referred to in section 311 of this Act with the provisions of this subtitle.

REGULATIONS

SEC. 315. (a) The Secretary shall, after consulting with the Advisory Councils established pursuant to section 313 of this Act, issue such regulations as are necessary to carry out this subtitle. Such regulations shall be issued not later than one hundred and eighty days after the date of the enactment of this Act. The Secretary shall establish dates by which United States persons must comply with the different provisions of this subtitle, except that the date for compliance with all the provisions of this subtitle shall not be later than one year after the date of the enactment of this Act.

(b) Before issuing final regulations pursuant to subsection (a), the Secretary shall publish in the Federal Register the regulations proposed to be issued and shall give interested persons at least thirty days to submit comments on the proposed regulations. The Secretary shall, in issuing the final regulations, take into account the comments so submitted.

WAIVER OR TERMINATION OF PROVISIONS

SEC. 316. (a) In any case in which the President determines that compliance by a United States person with the provisions of this subtitle would harm the national security of the United States, the President may waive those provisions with respect to that United States person if the President publishes each waiver in the Federal Register and submits each waiver and the justification for the waiver to the Congress and if the Congress enacts a joint resolution approving the waiver.

(b) Upon a written determination by the President that the Government of South Africa has terminated its practice of systematic racial discrimination and allows all the people of South Africa, regardless of race or ethnic origin, to participate fully in the social, political, and economic life in that country, the provisions of this subtitle and any regulations issued to carry out this subtitle shall cease to be effective.

SUBTITLE 2—PROHIBITION ON LOANS AND IMPORTATION OF GOLD COINS

LOANS TO SOUTH AFRICA

SEC. 321. (a) No bank operating under the laws of the United States may make any loan directly or through a foreign subsidiary to the South African Government or to any corporation, partnership, or other organization which is owned or controlled by the South African Government, as determined under regulations issued by the Secretary. The prohibition contained in this subsection shall not apply to loans for educational, housing, or health facilities which are available to all persons on a totally nondiscriminatory basis and which are located in geographic areas accessible to all population groups without any legal or administrative restriction.

(b) The prohibition contained in subsection (a) of this section shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act.

GOLD COINS

SEC. 322. No person, including any bank operating under the laws of the United States, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the South African Government.

ENFORCEMENT; PENALTIES

SEC. 323. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of this subtitle, including—

(1) issuing such regulations as the Secretary considers necessary to carry out this subtitle;

(2) establishing mechanisms to monitor compliance with the provisions of this subtitle and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of this subtitle has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 321 or 322 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 321 of this Act shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(3) Any individual who violates section 322 of this Act shall be fined not more than five times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person other than an individual violates section 321 or 322 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

WAIVER BY PRESIDENT

SEC. 324. The President may waive the prohibitions contained in sections 321 and 322 of this Act for a period of not more than one year if the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, if the President submits any such determination, and the basis for the determination, to the Congress, and if the Congress enacts a joint resolution approving the determination.

SUBTITLE 3—INVESTMENT IN SOUTH AFRICA

PROHIBITION

SEC. 331. The President shall, not later than 90 days after the date of the enactment of this Act, issue regulations prohibiting any United States person from making any investment in South Africa. For purposes of the preceding sentence, the term "investment" means—

(1) establishing or making a loan or other extension of credit for the establishment of a business enterprise in South Africa, including a subsidiary, affiliate, branch, or office in South Africa; and

(2) investing funds in an existing enterprise in South Africa, including making a loan or other extension of credit, except that this paragraph shall not be construed to prohibit—

(A) an investment which consists of earnings derived from an enterprise in South Africa established before the date of the enactment of this Act and which is made in that enterprise; or

(B) the purchase of securities on a securities exchange.

The President may issue such licenses or orders as are necessary to carry out this section.

ENFORCEMENT; PENALTIES

SEC. 332. (a) The President shall take the necessary steps to insure compliance with the regulations issued pursuant to section 331, including establishing mechanisms to monitor compliance with such regulations. The President may also hold hearings, issue subpenas, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(b)(1) Any United States person, other than an individual, that violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle shall be fined not more than $1,000,000.

(2) Any individual who violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(c)(1) Whenever a United States person violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the United States person committing the violation itself.

TERMINATION OF PROHIBITION

SEC. 333. If the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, the President shall submit that determination, and the basis therefor, to the Congress. The regulations issued pursuant to this subtitle, and any license or order issued under this subtitle, shall terminate upon enactment of a joint resolution approving such determination.

SUBTITLE 4—GENERAL PROVISIONS

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 341. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITIONS

SEC. 342. For purposes of this title—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of State;

(3) the term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, and Venda; and

(4) a United States person shall be presumed to control a corporation, partnership, or other enterprise in South Africa if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 per centum of the outstanding voting securities of the corporation, partnership, or enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 per centum or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

APPLICABILITY TO EVASIONS OF TITLE

SEC. 343. (a) Subtiile 1 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 1 of this title or any regulations issued to carry out that subtitle.

(b) Subtitle 2 of this title shall apply to any bank operating under the laws of the United States, or to any other person, who or which undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 2 of this title or any regulations issued to carry out that subtitle.

(c) The regulations issued pursuant to subtitle 3 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of those regulations.

CONSTRUCTION OF TITLE; SEVERABILITY

SEC. 344. (a) Nothing in this title shall be construed as constituting any recognition by the United States of the homelands referred to in section 342(3) of this Act.

(b) If any provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of that provision to other persons or circumstances shall be affected thereby.

TITLE IV—SOVIET UNION

GOLD COINS

SEC. 401. No person, including any bank operating under the laws of the United States, may import into the United States any gold coin minted in the Soviet Union or offered for sale by the Government of the Soviet Union.

ENFORCEMENT; PENALTIES

SEC. 402. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of section 401, including—

(1) issuing such regulations as the Secretary considers necessary to carry out section 401;

(2) establishing mechanisms to monitor compliance with the provisions of section 401 and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of section 401 has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has fur-

nished the Secretary with false information relating to the provisions of section 401, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 401 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 401 of this Act shall be fined not more than fives times the value of the gold coins involved.

(c)(1) Whenever a person violates section 401 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

APPLICABILITY TO EVASIONS OF TITLE

SEC. 403. This title shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this title or any regulations issued to carry out this title.

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 404. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITION

SEC. 405. For purposes of this title, the term "Secretary" means the Secretary of State.

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendment and agree to the conference requested by the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GARN, Mr. TOWER, Mr. HEINZ, Mr. PROXMIRE, and Mr. CRANSTON conferees on the part of the Senate.

AUTHORIZATION FOR USE OF CAPITOL ROTUNDA

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 264, authorizing the use of the Rotunda of the Capitol on March 15, 1984.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 264) authorizing the rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. BAKER. Mr. President, first I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order tomorrow, I ask unanimous consent there be special orders of 15 minutes each in favor of the distinguished Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Alabama (Mr. HEFLIN), to be followed by a period for the transaction of routine morning business to extend not later than 12 noon, with statements therein limited to 5 minutes each, and that at 12 noon the Senate recess until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reason for the recess on Tuesday, as I have stated almost every Monday, is to accommodate caucuses of Senators which are held away from the Senate Chamber which are semiofficial in nature. That policy of providing time for those caucuses I believe materially expedites the business of the Senate.

THE SCHOOL PRAYER AMENDMENT

At 2 p.m. tomorrow, Mr. President, the Senate will resume consideration of Senate Joint Resolution 73, which is the school prayer amendment. It is my hope that on tomorrow, may I say for the benefit of Senators who may hear me in their offices as well as those present on the floor, particularly the minority leader, there can be at least one vote, perhaps two votes, on issues related to the school prayer matter. I am not certain that can happen, but I feel reasonably optimistic and I hope that will happen. An effort will be made on the part of the leadership on this side to get us into a voting pattern and consideration of amendments.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will convene at 11 a.m.

After the recognition of the two leaders under the standing order, two Senators will be recognized on special orders of not to exceed 15 minutes.

The time remaining after the execution of the special orders and prior to 12 noon will be devoted to a period for the transaction of routine morning business.

At 12 noon, the Senate will stand in recess until 2 p.m.

At 2 p.m., when the Senate resumes its session, the Senate will once more take up the unfinished business, which is Senate Joint Resolution 73, the prayer amendment.

It is anticipated that votes will occur on or in relation to the pending question, which is the committee amendment or amendments to it, or amendments to the resolution itself, as the case may be.

In any event, votes are expected during the day tomorrow on this matter.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I know of nothing else to come before the Senate. I see no other Senator seeking recognition. The minority leader has signaled to me that he has no further requirement for recognition.

Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 4:41 p.m. the Senate recessed until tomorrow, Tuesday, March 13, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 1984:

DEPARTMENT OF STATE

Thomas H. Anderson, Jr., of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of Dominica, Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Lucia, Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Vincent and the Grenadines, Ambassador Extraordinary and Plenipotentiary of the United States of America to Antigua and Barbuda, and Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Christopher and Nevis.

Gerald P. Carmen, of New Hampshire, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Richard Fairbanks, of the District of Columbia, to be Ambassador at Large.

Barrington King, of Georgia, a career member of the Senior Foreign Service, class

of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei.

David Charles Miller, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

ARMS CONTROL AND DISARMAMENT NEGOTIATIONS

Paul H. Nitze, of the District of Columbia, to be Special Representative for Arms Control and Disarmament Negotiations (new position, Public Law 98-202, of December 2, 1983), to which position he was appointed during the last recess of the Senate from November 18, 1983, until January 23, 1984, and to have the rank of Ambassador while so serving.

INTERSTATE COMMERCE COMMISSION

Paul H. Lamboley, of Nevada, to be member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1984, vice Darius W. Gaskins, Jr., resigned.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Marge Bodwell, of New Mexico, to be a member of the National Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

The following-named persons to be members of the National Council on Educational Research for terms expiring September 30, 1986:

J. Floyd Hall, of South Carolina (reappointment).

Donna Helene Hearne, of Missouri (reappointment).

George Charles Roche III, of Michigan (reappointment).

Carl W. Salser, of Oregon (reappointment).

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David K. Doyle, [redacted], U.S. Army.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

Jack Stephen Smith
Burton Orville Benson
James Merrill Strickland
Martin William Leukhardt

UNRESTRICTED LINE OFFICER (TAR)

Albert Eugene Rieder

AERONAUTICAL ENGINEERING DUTY OFFICER

Clay Wayland Gordon Fulcher

MEDICAL CORPS OFFICER

James John Cerda

SUPPLY CORPS OFFICER

Henry Culberson Amos, Jr.

CHAPLAIN CORPS OFFICER

John Joseph Hever

CIVIL ENGINEER CORPS OFFICER

David Oliver Smart IV

IN THE NAVY

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Jon R. Agne
Christopher C. Cinnamon
Marvin L. Miller
Kendall R. Shannon

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Dennis J. Blue
John R. Claussen
Eugene M. Cordova
Charles W. Hall
Harold B. Hall
Rudy G. Hamm
Michael J. Keeton
Amorsolo M. Ledina
Michael A. McDonald
Beverly J. Petty
Michael G. Ragan
Barratt Sturtevant
Coleen M. Thomswillette
Donald J. West
Roy W. White
Robert D. Willmore

The following chief warrant officer, W-3, U.S. Navy, retired, to be reappointed permanent chief warrant officer, W-2, from the temporary disability retired list, pursuant to title 10, United States Code, section 1211:

Michael P. Grief

DEPARTMENT OF TRANSPORTATION

Donald D. Engen, of Virginia, to be Administrator of the Federal Aviation Administration, vice J. Lynn Helms, resigned.

EXTENSIONS OF REMARKS

VETERANS OF FOREIGN WARS LEGISLATIVE PROGRAM

HON. G. V. (SONNY) MONTGOMERY
OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. MONTGOMERY. Mr. Speaker, I would like to share with my colleagues the legislative priorities of the Veterans of Foreign Wars as presented to the Committee on Veterans' Affairs on March 6, 1984. The text of a statement from VFW Commander in Chief Clifford G. Olson, Jr., follows:

STATEMENT OF CLIFFORD G. OLSON, JR., COMMANDER-IN-CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Chairman and members of the committee, it is, indeed, a singular honor for me to appear before this distinguished Committee to present on behalf of the more than 2.6 million men and women of the Veterans of Foreign Wars of the United States and our Ladies Auxiliary our priority legislative program. As you know, Mr. Chairman, our organization was founded in 1899 following the Spanish-American War—we are the largest veterans' organization, composed of men and women who have served their nation overseas in time of war—at the moment, we are experiencing our 29th consecutive year of increased membership—no greater tribute could be paid to the continued dedication of the leadership of our great organization who has accompanied me here to day than to appear before this distinguished committee.

Mr. Chairman, permit me to express the appreciation of the VFW for legislation developed within this Committee and shepherded through the House of Representatives fulfilling many of our current VFW resolutions and priority goals. I refer to the "Emergency Veterans' Job Training Act," Public law 98-77, to provide job training for Korean and Vietnam Era veterans. Also, the "Veterans' Health Care Amendments of 1983," Public Law 98-160, which among other provisions, extends the outreach centers for Vietnam veterans another four years, increases per diem rates for veterans in state facilities and, by law, established within the Veterans Administration an Advisory Committee on Womens Veterans. The President recently signed into law the "Veterans' Compensation and Program Improvement Amendments of 1984," which grants a 3.5 percent increase in compensation and DIC effective April 1st, increases the Board of Veterans from 50 to 65 members and extends until 1989 the Matching Fund Grant Program for state veterans' cemeteries.

Mr. Chairman, I have requested the Senate Veterans' Affairs Committee to take timely action with respect to the House passed "Veterans' Housing Benefits Amendments of 1983," which would grant relief to veterans in jeopardy of losing their homes through foreclosures and, too, the "Agent Orange and Atomic Veterans' Relief Act," an interim measure to benefit those suffering the effects of such exposure.

Permit me to call to the Committee's attention, Mr. Chairman, the fine working relationship and rapport existing between your highly professional staff and, in particular, Mack G. Fleming, your Chief Counsel and Staff Director; Frank Stover, your Deputy Chief Counsel; and Rufus Wilson, Minority Counsel and Staff Director, with the Executive Director of our Washington Office, Cooper T. Holt, and our National Legislation Director, Donald H. Schwab and their staffs.

I would be remiss, indeed, if I failed to publicly thank the Chairman of your Subcommittee on Hospitals and Health Care, the Honorable Bob Edgar, for having introduced a bill incorporated in other legislation which became Public Law 98-190, honoring our three-time National Commander-in-Chief, Jimmie Van Zandt, by naming the Veterans Administration Medcial Center in Altoona, Pennsylvania, the "James E. Zandt Veterans Administration Medical Center."

Mr. Chairman, my purpose for appearing today is to present our priority legislative program for this Second Session of the 98th Congress. Appended to my testimony is a copy of our VFW pamphlet entitled, "Legislative and Security Priority Goals for 1984." Without objection, it is requested this pamphlet be made a part of the hearing record.

As always, Mr. Chairman, our first priority goals address the Veterans Administration budget and health care furnished our nation's veterans.

Mr. Chairman, the budget proposed by the President for the Veterans Administration in the fiscal year 1985 at $27.2 billion in budget authority is an increase of $992.9 million over the current year and the $26.6 billion in outlays represents an addition of $922.8 million above the fiscal year 1984. Average employment within the agency is up more than 2,000, medical care is up more than half a billion dollars, research is up $20 million, construction is up $291 million, grants to state homes are up $17 million and provisions are made for a 4.3 percent cost-of-living increase in compensation and a 15 percent increase for veterans availing themselves of educational benefits. It is a good budget considering present financial constraints and the VFW supports its implementation. Having said this, let me also state certain areas cause us varying degrees of concern.

The medical care budget, although an increase of $531.7 million in outlays, represents another decremental budget since it does not reflect the inflation in medical care. Therefore, the demand for care by eligible veterans already exceeds the ability of the Veterans Administration to provide needed care by all who are eligible and seek care. As a result, some veterans in the lowest priority, those with non-service-connected disabilities, are forced to seek care in community hospitals as welfare patients. These veterans are increasingly encountering great difficulty in securing care under the financially strained Medicaid system and often go without care until their disabilities become irreversible. We urge that Congress ensure that all eligible veterans, especially those with limited financial resources and no health insurance, needing medical care, not be denied.

During our 84th National Convention at New Orleans, Louisiana last August, President Reagan signed into law with great fanfare and national television coverage the "Emergency Veterans' Job Training Act of 1983." This jobs' program to benefit Korean and Vietnam Era veterans was to be funded in the amount of $150 million in each of the fiscal years 1984 and 1985. Initial funding was made available last December, but $20 million was immediately transferred to provide educational benefits for veterans and the $150 million was not requested in the 1985 budget. The Veterans Administration believes that the $130 million now available will be sufficient to meet the objects established for this program in both the fiscal years 1984 and 1985. In recent testimony, the VA stated that there has been a surge of interest in the program and that already 43,000 applications for participation have been approved. In fairness, the Administrator did state additional funding would be requested if needed. In my opinion, the Administration has erred badly in not providing these funds and has sent the wrong signal to veterans in reneging on this commitment. I would strongly suggest to you, Mr. Chairman, that it would behoove the Administration to reconsider funding for this program.

The scheduled reduction of 800 personnel in the Department of Veterans Benefits, which will be a cumulative decrease of 6,654 since 1976, appears unreasonable. Although activity in the educational programs has diminished as have active caseloads in compensation and Dependency and Indemnity Compensation and pension, processing time in claims is unreasonable. Presently, original claims for compensation are taking 121 days to resolve; those for Dependency and Indemnity Compensation, 62 days; for disability pension, 83 days and death pension claims, 53 days. Furthermore, it is my understanding that over half of the reduction of 800 personnel will be sustained by the compensation and pension service. The Administration has stated a contract will be made with a consulting firm to establish the personnel needs within the Department of Veterans Benefits. We welcome such a study, indeed, provided the firm chosen adheres to its mandate and not ignore it as did the National Academy of Sciences several years ago when directed to ascertain personnel requirements within the Department of Medicine and Surgery.

Mr. Chairman, the VFW opposes in the strongest possible terms the Administration's proposal to terminate property acquisitions by the Veterans Administration following foreclosures on home loans guaran-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

teed by the VA, which is one of the recommendations of the President's Private Sector Survey on Cost Control. It is the opinion of many, not only the Mortgage Bankers Association, that implementation of this proposal will toll the death knell for the VA home loan program which would be a cruel disservice to veterans, especially Vietnam veterans.

The construction budget of $822 million will provide for the replacement or modernization of five medical centers, seven new nursing home care units, a domiciliary renovation, and outpatient improvements at seven locations among other upgrading projects. These new facilities, coupled with a $17 million increase in grants to State homes, reflects appropriate concern for our aging veteran population. However, Mr. Chairman, we are perplexed with the system used in establishing construction priorities we believed would be fine tuned by the Medical District Initiated Planning Program (MEDIPP). The proposed budget contains no funding for the replacement medical center in the Baltimore metropolitan area listed in the current Five-Year Medical Facility Construction Plan as one of the ten medical centers most in need of construction, replacement or major modernization. Eight million dollars has already been expended for this project, $3.5 million for working drawings and $4.5 million for purchase of the construction site. Also, $1 million has already been spent in Philadelphia, Pennsylvania for major expansion and improvement of the VA medical center but no funding is included although scheduled for 1985 in the Five-Year Plan. Adding to our dismay, the City of Philadelphia has donated 12 acres of land for this construction provided construction commences by December 1986. I fail to understand how $9 million and the gift of 12 acres of valuable land can be so frittered away.

Mr. Chairman, the proposed budget for the Veterans Administration is not all that we would like, but we realize that in an era of unprecedented deficits, compromises must be made to protect the basic integrity of the VA hospital and medical care system, the compensation, Dependency and Indemnity Compensation and pension programs. The VFW also realizes the budget is as good as it is only because in the Administrator of Veterans Affairs, Harry N. Walters, we have a real champion of veterans, truly a veteran's advocate. To quote Mr. Walters—"America is #1—Thanks to Our Veterans."

Mr. Chairman, over the years with the able assistance of this Committee, we have been able to turn back attacks against the Veterans' Administration, its hospital and medical care system and veterans' benefits in general. These attacks have emanated from the 20th Century Fund, the National Tax Limitation Committee, the Heritage Foundation, the National Academy of Sciences, the Office of Management and Budget, the Congressional Budget Office, the news media and more recently, the President's Private Sector Survey on Cost Control known to most as the "Grace Commission." You will recall that the Commission's original draft report last year recommended abolishing the Veterans' Administration and reassigning its functions to other Government agencies. The draft report was immediately repudiated by the Administrator of Veterans' Affairs, withdrawn and rewritten by the Grace Commission. Then, last month in testimony before the Senate Budget Committee the Director of the Office of Management and Budget, David Stockman, stated in part:

"While major strides in budget control have been achieved over the past three years, it would not be concluded that all savings possibilities have been exhausted . . . The Grace Commission report contains literally hundreds of suggestions . . . which, after further analysis and refinement, can be expected to generate substantial savings proposals for next year's budget.

"In particular . . . eight budget categories illustrate the opportunities for significant future savings beyond the limited measure proposed in the 1985 budget . . . They illustrate both the major opportunities as well as the kind of hard choices which will face the Administration and Congress next year in what must be a full throttle effort to close the budget gap, if economic recovery is to be sustained.

". . . The Grace Commission findings as well as those by many medical economists, suggest that the nation's health care commitments to its veterans can be met at substantially less cost over the longer run if the current policy framework is adjusted. Such structural reform options include greater internal economic incentives, wider use of excess facilities in the private health care system, tighter implementation of the 'inability to defray' standard, firmer service-connected disability requirements, and cost-sharing and third-party cost recovery mechanisms. The Administration will be studying these options intensively within the coming years, with a view of finding ways to meet existing veterans health care commitments at significantly lower cost in the years ahead. . . ."

Mr. Chairman, Mr. Stockman's words represent a fine example of unintelligible bureaucratic jargon. I would suggest that you invite him to appear before this Committee and explain just what he has in mind for veterans. We know Mr. Stockman, who has never been guilty of defending veterans' benefits, is speaking of "mainstreaming" veterans' health care to bring relief to private hospitals which were overbuilt and overbedded for personal financial gain rather than replace or modernize aged VA medical centers. We know Mr. Stockman is speaking of more stringent requirements for veterans who sign the "paupers oath" indicating they cannot afford to pay for care in the private sector. We know Mr. Stockman is speaking of third party reimbursement wherein insurance companies would be required to pay for a veteran's care in VA facilities if he or she has some form of health insurance. We do not know what Mr. Stockman means by "firmer service-connected disability requirements," but we do know it does not auger well at all for veterans who have become disabled serving our nation in the Armed Forces. This Committee has in years past considered and with good cause, rejected similar proposals. The fact they are being given serious consideration by the President's Office of Management and Budget means that we must be ever vigilant.

When this session of Congress convened, Mr. Chairman, I wrote to every member with respect to cost-of-living increases for federal civilian and Armed Forces retirees. My action was prompted by magazine and newspaper articles playing up the cost of these COLAs, a provision in the House passed Reconciliation Act delaying COLA for these retirees until January 1985, and a like provision in the President's proposed budget. I believe these retirees who have rendered a very special service have already given more than their fair share under two previous budget reconciliation acts.

Mr. Chairman, the leadership of the VFW and many of our members, are aware that highly respected economists within the government and private sector believe that unless federal deficits are curbed soon, they pose a major threat to the economic well-being of us all in the not too distant future. The economic recovery we have been enjoying under the Reagan Administration may be showing signs of faltering. Last month came a warning of recession, something none of us want. Treasury Secretary Donald Regan was quoted in the *Wall Street Journal* as asserting that another recession could occur if "proper" fiscal and monetary policies are not put into effect. The same article stated that Federal Reserve Board Chairman Paul Volker also warned of a recession if the federal deficit isn't cut.

You will recall, Mr. Chairman, that last year the VFW was out front in publicly supporting a six-month delay in COLA for veterans' entitlements provided the beneficiaries of all other federally-funded entitlements were required to make the same sacrifice. We did this to help reduce the deficit and maintain the basic integrity of our veterans' benefits. If further budget savings must be made, let it be by wholly realistic priorities and even-handedly. The budget priorities of the VFW are just exactly what you should expect them to be. National defense must always come first for if we lose our freedom, there will be no veterans' programs, no social welfare programs, only poverty and misery. Next come our veterans' programs and hospital and medical care system to care for those who have insured our precious freedom. Everything else comes next. No one has said it better than the late American Economist Henry George—"The ideal social state is not that in which each gets an equal amount of wealth, but in which each gets in proportion to his contribution."

Preserving veterans preference in federal employment is a continuing priority goal of the VFW. Permit me to publicly thank you, Mr. Chairman, for having risen on the floor of the House of Representatives when the proposed Equal Rights Amendment was brought up and so forcefully reminding your colleagues that veterans preference has been in existence more than 100 years and upheld by the U.S. Supreme Court on more than one occasion. The VFW has no position with respect to ERA, but a red flag went up when the President of the League of Women Voters stated in testimony that ERA would be used to attack veterans preference. Indications are that ERA will again be brought up and, for the record, the VFW will oppose ERA with every resource at our disposal unless amended to exclude veterans preference and programs and, also, women from combat.

Mr. Chairman, one of the provisions of Public Law 98-160 expresses the sense of Congress that the Administrator of Veterans Affairs should be designated by the President as a member of the Cabinet and be the President's principal advisor on all matters pertaining to veterans, their dependents and survivors. Recently, Mr. Chairman, you wrote to the President urging that he submit to Congress legislation to establish a Department of Veterans Affairs. This has been the position of the VFW for years and our current Resolution No. 683 fully supports your meritorious effort. As Commander-in-Chief of VFW, I will do everything possible to see that the Administrator holds a chair in the Cabinet.

Mr. Chairman and members of the Committee, I trust each and every one of you will be with us tonight on the occasion of our Annual Congressional Banquet at the Sheraton Washington Hotel. As I am sure you must know by now, we will be honoring one of your own, the Ranking Minority Member, the Honorable John Paul Hammerschmidt, with our 21st Annual Veterans of Foreign Wars Congressional Award for outstanding service to our nation. In announcing this award, I stated, "Representative Hammerschmidt has been widely regarded as one of the most effective voices in the Congress for increased veterans' programs and a strong national defense." In another highlight of the evening, the senior high school students who have won our Voice of Democracy contest in each state and overseas areas will be honored guests at our lower head table. The reception will begin at 6:00 p.m., with dinner promptly at 7:00 p.m. I want to assure all of you our program will conclude at approximately 9:15 p.m.

Mr. Chairman and members of the Committee, I thank you for the privilege of appearing before this distinguished Committee of such great importance to our nation's veterans.●

HAZARDOUS SUBSTANCES "RIGHT TO KNOW" RESOLUTION

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. VENTO. Mr. Speaker, millions of Americans are being exposed daily to an ever-increasing number and variety of toxic and hazardous substances which pose an imminent threat to their health and well-being. Many hazardous substances are found in the workplace in manufacturing, construction, transportation, agriculture, and various other industries and services.

Frequently, workers are not even aware that they are handling hazardous substances and are not trained to reduce the risk of occupational disease and injury. In many instances, chemicals and other substances are only identified by a code or trade name which provides little, if any, useful information to advise persons about health risks so that they may take adequate precautions to protect themselves.

On November 25, 1983, the Occupational Safety and Health Administration (OSHA) issued its long-awaited Hazard Communication Standard. Unfortunately, however, the new OSHA standard extends limited protection to only 25 percent of the labor force (that is, those working in manufacturing), and offers no protection to the remaining 75 percent of the work force in construction, transportation, agriculture, and other industries and services. At least 14 States and numerous local governments have recently enacted "right to know" laws which afford broad protection for the health of all workers. Yet OSHA has indicated that it intends to preempt all State and local "right to know" laws through the new OSHA standard even though it is limited in its scope to only one quarter of the total work force.

Mr. Speaker, while there is absolutely no doubt that workers in manufacturing industries are at risk from exposure to various hazardous substances, neither is there any doubt that other workers in other industries and services are also at risk. Unfortunately, OSHA has ignored this obvious fact, and in doing so, is also ignoring its responsibility to protect the safety and health of these workers. The numerous State and local laws which are already on the books and which are also being presently considered in a number of other States afford workers the "right to know" about hazardous substances not only in manufacturing but in other industries and services as well. While the various State laws are different in terms of their scope, training programs, and other matters, they generally afford broader protection to a larger class of workers than that contained in OSHA's November 25 standard.

Today, I am introducing, along with 41 of my colleagues in the House, a joint resolution expressing the sense of Congress that all workers have a fundamental "right to know" when they are handling or are exposed to hazardous substances which may threaten their health and well-being. My resolution also calls upon OSHA to immediately revise its Hazard Communication Standard to provide real protection for all workers. I would point out to my colleagues that this resolution does not adopt one or another of the many standards which currently exist for defining a hazardous substance. Numerous standards exist, such as the EPA list of toxins and carcinogens, DOT's list of hazardous materials, the NIOSH list, and indeed OSHA's own standards. OSHA is charged with the responsibility of identifying and regulating hazardous substances in the workplace. OSHA has a sizable professional staff of doctors, scientists, and industrial hygenists to assist them in meeting this responsibility.

But one of the central dilemmas which we face in this area of occupational health is that our ability to independently monitor the health effects of new chemicals and other substances is lagging behind the ability of our chemical manufacturers to produce these new substances which are used in the workplace. The recent controversies involving revised permissible exposure limits for substances such as EDB (ethylene dibromide), ethylene oxide, asbestos, and various other substances is proof positive of the uncertainty which exists today.

Mr. Speaker, I would welcome the support of all of my colleagues in persuading OSHA to reconsider this matter and to help protect the health and the lives of all American workers.●

DEEPDALE GENERAL HOSPITAL CELEBRATES ITS 20TH YEAR

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. SCHEUER. Mr. Speaker, Deepdale General Hospital of Little Neck, an institution in my district, is celebrating its 20th year by embarking on a $10 million expansion and renovation program focusing on adult health care to meet the needs of the maturing communities it serves in Queens and Nassau Counties. Deepdale's planned expansion has a special significance in a borough with the largest senior citizen population in the city. The taxpayer-investor owned facility serves the Queens communities of Bayside, Bellerose, Douglaston, Flushing, Glen Oaks, Kew Gardens, Little Neck, and Queens Village in addition to the bordering Nassau County communities of Floral Park, Manhasset, and New Hyde Park.

Founded in 1963, quality care has been constant throughout the last two decades. However, the hospital's direction has altered gradually in response to the need of older patients.

Initially, it served communities that were young and raising families. However, due to the population changes, the need for services for the elderly has increased, prompting the institution to close its pediatric and maternity divisions and concentrate on different types of equipment and services for its changing patient mix.

The hospital has upgraded its ophthalmological capabilities, including the installation of new equipment for cataract and eye surgery as well as a new vascular laboratory that permits studies of arteries and veins in the eye without using catheters and needles.

The intensive care unit has also been expanded to a self-contained unit with pulmonary electro and echocardiography services under the roof.

Deepdale is exploring the possibility of buying an efficient, energy cogenerator system that will heat the hospital's water electrically and save $100,000 annually. Installing thermal windows is another project expected to save 30 percent in energy costs.

Suction and oxygen equipment is being installed in each room and Deepdale is planning the addition of intensive care unit beds and ambulatory service to assure patients get quality care and to create an active and progressive environment that attracts and nutures the dedicated professional.

Deepdale's professional staff has shown its skills and dedication to its patients and will continue to serve the communities' needs for improved health care. Such dedication is exemplified by its ability to address the needs of the area, make changes when required, and display the vision to anticipate future needs.

I am pleased, Mr. Speaker, to honor Deepdale General Hospital and its history of faithfully serving the Queens-Nassau community for 20 years and look forward to its continued growth and service to those who need its facilities. I again congratulate Deepdale and wish it continued success.●

AFDC BILL, H.R. 5093

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. PETRI. Mr. Speaker, last Thursday I introduced H.R. 5093, which would prohibit aid to families with dependent children—AFDC—payments to unmarried minor parents who live away from home.

Even in today's society, I do not think anyone would deny the great benefit children receive from living with their parents. And no child is more in need of parental support and guidance than an unmarried teenager with a child of her own.

Yet the AFDC laws present a powerful incentive for these teenagers, most in need of family support, to leave their parents' homes. By moving away from her parents and establishing her own household, an unmarried minor mother can claim AFDC as a separate family unit. Consider, for example, a Wisconsin family consisting of a mother, two teenage daughters, and an infant who is the child of one of the daughters. If the family members have no other income and all reside in the same household, the mother receives $612 per month in AFDC grants. But if the daughter and her infant child move away, two two-person family units are created, each entitled to a monthly AFDC payment of $436. Not only does the teenage daughter receive a sizable income in her own name as a reward for moving out, as well as whatever food stamp, housing, and energy assistance she can now qualify for, but the family income as a whole increases $260 a month, from $612 to $872.

As George Gilder writes, the unmarried mother is given an "overwhelming inducement" to bear illegitimate children and to move away from her parents once they are borne: the promise of "an apartment of her own, free housing, medicine, legal assistance, and a combination of payments and food stamps worth several hundred dollars a month." In the name of helping the needy, we tempt them to destroy their families.

H.R. 5093 encourages unmarried minors with children to live at home, where they can benefit from the guidance and support of their parents. While I hesitate to think that there are teenagers who became pregnant solely so as to receive Federal and State support in their own names, H.R. 5093 works to remove whatever perverse incentives do exist in the AFDC laws.

Under H.R. 5093 AFDC grants are paid on behalf of a minor mother, who is not and has never been married, only if she resides with her parents or her legal guardians. If she does not live at home, the AFDC grant is paid to a protective payee until the time the minor reaches majority. Exceptions are made for minors whose health and safety would be jeopardized by living at home, if the parent's whereabouts are not known, or if the minor has already lived away from home for more than a year.

The Congressional Budget Office has estimated that the savings in the AFDC program would be $20 million a year. The Office of Family Assistance of the Department of Health and Human Services has estimated a savings of $19 million. But much more important than any savings is the removal of an incentive to break up families.

Legislation similar to H.R. 5093 has passed the committee level in the other body. Now is our opportunity to enact a needed advance in the AFDC laws: to encourage those Americans most in need of help to preserve their families and not to rend them.

Mr. Speaker, I request that H.R. 5093 be printed in the RECORD at this point.

H.R. 5093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (35);

(2) by striking out the period at the end of paragraph (36) and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(37) provide—

"(A) that any individual who is under the applicable age limit determined pursuant to section 406(a)(2) and is not and has never been married, and who is responsible for the care of a dependent child (or is pregnant and on that basis eligible for aid under the State plan) shall be eligible for aid under the plan (and such dependent child shall be eligible for such aid) only if such individual resides in a place of residence maintained by such individual's parent or legal guardian as such parent's or guardian's own home; except that this paragraph shall not apply to such individual if the State agency determines that—

"(i) such individual has no parent or legal guardian who is living and whose whereabouts are known;

"(ii) the health and safety of such individual or such dependent child would be seriously jeopardized if such individual lived in the same residence as such individual's parent or legal guardian; or

"(iii) such individual has lived apart from his or her parent or legal guardian for a period of at least one year prior to (I) the birth of the dependent child for whose care the individual is responsible, or (II) the making of a claim for aid under this part, whichever is later; and

"(B) that whenever an individual to whom this paragraph applies is eligible for aid under the plan, the State may make payments of the type described in section 406(b)(2) for one or more months until such individual exceeds the applicable age limit determined pursuant to section 406(a)(2).".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to months after the month in which this Act is enacted.●

ILLINOIS COMMERCE COMMISSION PROJECTS SUBSTANTIAL COST TO ILLINOIS RATEPAYERS IF ACID RAIN CONTROL LEGISLATION WERE ENACTED

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. CORCORAN. Mr. Speaker, the Illinois Commerce Commission, in a March 2 report in response to my February 27 request, projects that Illinois ratepayers would be subjected to substantial costs if acid rain control legislation such as H.R. 3400 were enacted. I discussed the Commission's report at the March 5 Chicago field hearing on acid rain that was conducted by the Energy and Commerce Committee's Health and the Environment Subcommittee.

Mr. Speaker, for the benefit of our colleagues, I would like to insert in the RECORD the text of my February 27 letter to Illinois Commerce Commission Chairman Philip R. O'Connor as well as the text of his March 2 response.

The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 27, 1984.

Hon. PHILIP R. O'CONNOR,
Chairman, Illinois Commerce Commission, Chicago, Ill.

DEAR PHIL: As you know, I have been active in opposing federal acid rain control legislation of the type introduced by Congressmen Gerry Sikorski (D-MN) and Henry A. Waxman (D-CA) on June 23, 1983 (H.R. 3400, which has over 100 cosponsors). Mr. Waxman is Chairman of the Energy and Commerce Committee's Subcommittee on Health and the Environment, the House subcommittee with jurisdiction over the Clean Air Act. Rather, I have supported accelerated research of the type promoted by Congressman Nick Joe Rahall II (D-WV) in the legislation he introduced on February

10, 1983 (H.R. 1405, which I cosponsored on March 22, 1983, and which has over 70 cosponsors). Copies of these bills are enclosed.

Inasmuch as the Illinois Commerce Commission regulates Illinois utilities, I would be interested in any comments you might have on the cost to Illinois ratepayers that would be entailed in control legislation such as H.R. 3400, the bill which is the focus of the most attention on this issue in the House. It would be especially helpful if you could break down such costs on a utility-by-utility ability basis.

Particularly as a senior member of the House Energy and Commerce Committee, which has jurisdiction over the Clean Air Act, I appreciate any help you can offer in ascertaining the potential cost to the Illinois ratepayers of acid rain control legislation such as H.R. 3400.

Sincerely,

TOM CORCORAN,
Representative in Congress.

STATE OF ILLINOIS,
ILLINOIS COMMERCE COMMISSION,
Chicago, Ill., March 2, 1984.

Hon. TOM CORCORAN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CORCORAN: This is in response to your letter of February 27 regarding the projected costs to Illinois ratepayers of the reduction in sulfur dioxide emissions from electric utility generating stations which would be required by the acid precipitation legislation now pending before the United States House of Representatives, specifically H.R. 3400. We are happy to provide the data which we have available. Unfortunately, the projections made by the State's utilities regarding the costs associated with the sulfur dioxide emission reductions required by H.R. 3400 are not comparable due to variations in the assumptions and time frames used to analyze the data. I am also unable to provide you with accurate aggregate statewide figures for the same reason. Therefore, the information is provided in a utility specific manner with the basic assumptions noted for your information.

The acid precipitation legislation which is now pending before Congress is of great concern to the Illinois Commerce Commission and many other state agencies. Governor Thompson has taken a leading role in recommending accelerated research regarding the specific causes of acid precipitation and the most cost-effective methods of mitigating the problems which result from it. It is important to remember that the sulfur dioxide emissions which emanate from fossil fuel electric generating stations in Illinois have been reduced substantially since 1970, at great cost to the State's ratepayers.

For the four major Illinois electric utilities (Commonwealth Edison Company, Central Illinois Light Company, Central Illinois Public Service Company and Illinois Power Company) the level of sulfur dioxide emissions declined 36 percent from 1970 to 1980. Under existing Clean Air statutes, emissions are projected to decrease an additional 13 percent from 1980 to 1990. Specifically, Commonwealth Edison has reduced its sulfur dioxide emissions from 1,190,000 tons in 1970 to 349,000 tons in 1982, a decrease of 70 percent. Under existing legislation, Commonwealth Edison's sulfur dioxide emissions are projected to be 226,000 tons in 1990, a reduction of 123,000 tons from the 1982 figure. In addition, other companies have reduced its emissions through the increased use of scrubbers on new power plants and by shifting coal purchases to more low sulfur coal.

Since 1968, CIPS has spent $264 million on pollution control equipment. In addition to capital expenditures made by Commonwealth Edison to improve the quality of emissions from its generating stations, Edison ratepayers now pay for the purchase and delivery of low sulfur coal from western states to all but one of Edison's coal fired generating stations. This coal, because of high transportation costs and coal severance taxes exceeds the cost of Illinois coal by 40 to 50 percent per ton. Clearly, Illinois ratepayers have shouldered a very extensive financial burden to contribute to the improvement of the environment.

The Illinois Environmental Protection Agency has made some projections of the additional reduction in sulfur dioxide emissions which would be required by H.R. 3400. Based upon these reductions and the one mill per kwh tax contemplated in the legislation, the utilities have provided approximate costs of complying with the legislation.

COMMONWEALTH EDISON COMPANY

Commonwealth Edison anticipates that they would be required to reduce their estimated 1995 sulfur dioxide emissions by an additional 116,300 tons. The Kincaid Station, Edison's only station still burning high sulfur coal, would be the focus of Edison's response to this required reduction. Based upon three different scenarios (including installation of scrubbers, retrofitting the station for the use of high sulfur coal and the closure of the station) Edison projects the total cost of complying with the legislation to be a $2.1 to $3 billion (1995 dollars). This estimation does not assume any contribution from the federal government nor does it take into consideration additional interest or amortization costs. The federal financial assistance contemplated in the legislature would provide assistance in the area of capital costs only. Edison has not been able to accurately assess the impact of this financial assistance on the Kincaid Station retrofitting. It is clear that some additional increases in operating and maintenance costs and some alterations to the company's dispatch schedule will be occasioned by any extensive retrofitting of scrubbers onto this plant.

The effect of the one mill per kwh tax on Edison's ratepayers will likely be very substantial despite the increased amount of electricity generated by Edison's nuclear generating stations. Assuming, however, that Edison's generation will be 50 percent fossil fuel in 1985, the cost of this tax would be approximately $30 million in 1985 alone (1982 dollars).

CENTRAL ILLINOIS LIGHT COMPANY

CILCO has no plants which would be required to substantially reduce emissions. CILCO estimates that the effect of the one mill per kwh tax beginning in 1985 would be approximately $5 million per year (1982 dollars). In addition, CILCO anticipates increases in purchase power cost as a result of capital expenditures and O&M expenses incurred by electric companies from whom it buys electricity. CILCO is unable to quantify these increased purchase power costs absent further information about the revised dispatch schedules of its neighboring utilities.

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

CIPS anticipated that 900 megawatts of its capacity will require installation of scrubbers. Based upon an average $275 per kw capital cost of retrofitting scrubbers on existing coal fired plants, CIPS estimates total capital expenditures of $247,500,000 for this purpose (1982 dollars). Assuming that federal financial assistance programs will assume 90 percent of this amount, direct cost to CIPS would be $24,750,000, not including interest costs and carrying charges. Installation of scrubbers will decrease the rated capacity of the units involved by 15 megawatts. The capital costs for replacement of this 15 megawatt increment are estimated at $1,265 per kw or $18,975,000. The federal financial assistance programs would not include these capital costs. Assuming federal financial assistance covering 90 percent of the capital cost of installing scrubbers, CIPS's total capital cost would be $43,725,000 (1982 dollars). CIPS estimates additional operation and maintenance expenses of $16.5 million per year (1982 dollars) attributable to the operation of these scrubbers an $8.8 million (1982 dollars) per year decrease in sales to other utilities due to the increased cost of electricity from these units. In addition, CIPS anticipates the effect of the one mill tax per kwh in 1985 to be $10 million (1982 dollars).

ILLINOIS POWER COMPANY

Illinois Power anticipates capital costs attributable to the installation of scrubbers on its Baldwin Station to be $663 million (1990 dollars), not including the effect of any federal financial assistance. Increased operation and maintenance expenses attributable to the scrubbers are estimated to be $52.5 million (1990 dollars) per year beginning in 1990. The effect of the one mill per kwh tax on Illinois Power's customers is estimated to be $15.9 million in 1985. For the period 1985 through 1995 Illinois Power estimates the effect of this tax on its ratepayers to be $149 million.

As you can see, the effect of this acid precipitation legislation would be very substantial on Illinois ratepayers. Governor Thompson has indicated that he believes that acid precipitation is a matter about which all public officials should be concerned. However, it is unclear that the substantial expense anticipated as a result of the passage of H.R. 3400 can be justified with the knowledge which we have at this time.

I hope that you find this information to be useful. We will continue our investigations into this matter and will work to refine our calculations so that the results anticipated by various utilities can be examined on a comparable basis.

Please do not hestitate to contact me if I can be of further assistance to you or your constituents.

Sincerely,

PHILIP R. O'CONNOR,
Chairman.●

WHO OWNS AMERICA?

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. ANNUNZIO. Mr. Speaker, who finances our national debt? If you think only the United States does, guess again. The truth is that the United States is borrowing money from foreign individuals and institu-

tions at an alarming rate. In the quest for more funds to meet interest payments on the Federal deficit, we are attracting foreign investors in record numbers. And the more the Nation leans on others for sufficient funds to make it through the fiscal year, the more we sacrifice our financial independence. I question whether it is a wise policy to put the financial security of the United States at the mercy of foreigners.

The Federal deficit is keeping interest rates sky high. From the foreign investor's point of view, the high interest rates make investment in America an attractive proposition. Foreign investors invest funds in the United States instead of in their own countries. This helps the foreign nation because foreign investment in our country increases the exchange value of the U.S. dollar. But this activity is harmful to our Nation because it reduces the price of exports to American consumers and often makes foreign exports more affordable than their domestically produced counterparts. It is as if America is shooting itself in the foot. The only way to keep the gun in the holster is to reduce the deficit immediately.

Foreign investment in our national debt is a relatively new phenomenon. For most of American history, individuals and institutions within the United States supported the debt of the Federal Government. In 1946, the amount of foreign investment in the national debt was less than 1 percent of the total amount held by the public. In 1960, the debt held by foreigners was $10 billion, still less than 5 percent of the total debt held by the public. In 1970, however, foreign investment began to explode like a match put to gunpowder. Foreign investors began to make massive investments in the United States, and foreign investors began to purchase large reserves of American dollars. The frightening result is that for just 1983, foreign investment totaled over $160 billion.

In 1982, America's investment abroad totaled $834 million. Foreign holdings in the United States totaled $665.5 billion. If the deficit is not reduced to discourage foreign investment, the United States could owe more money to lenders outside the United States than it does to itself by as early as 1985. For fiscal year 1983, we paid $17.9 billion in interest payments on the national debt to foreign investors. Seventeen percent of the entire interest payment due on the national debt was paid to foreign holders. When the deficit is allowed to increase uncontrolled, the Nation is in jeopardy of being owned by foreign investors.

Mr. Speaker, this devastating scenario must never come to pass. And the Congress has the ability to make sure this time bomb remains unlit. There is only one route to prevention—reduce the deficit. This is our country, and we must take action now to secure financial independence later.●

A TRIBUTE TO WALTER DRAGELEVICH

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, I rise today to pay homage to a close friend, of the opposite party than myself, who served for 12 years as Trumbull County prosecuting attorney. Walter Dragelevich has been an inspiration, counselor, role model, and great friend of many who have served in elective office in Trumbull County and the 17th Congressional District, including myself.

A large group of family, friends, and coworkers got together on Sunday, March 11 to say "thank you" for a job well done to private citizen and attorney Walter Dragelevich on this retirement after 12 years as prosecutor. As in all the things Walt does, his retirement was accomplished with dignity, order, and class. He left office on his timetable with an orderly succession.

When I assumed the position of Trumbull County Commissioner in 1973, it was J. Walter Dragelevich who offered me much needed advice, counsel, and suggestions on how to best serve the citizens of the Trumbull County and how to carry out the role of an elected county official. Through many crisis situations, Walter's cool demeanor and wise counsel was just what was needed to calm down many serious situations.

He does, has and always will gain the respect and admiration of those who have had the honor of serving with him. The highest compliment I could pay Walter, is that he is the role model most of us would choose for selecting a "best friend".

Walter is another example of the beauty of the American system. He is confirmation that the system still functions and that the individual still counts.

J. Walter Dragelevich, a young man from Youngstown's 7th ward, Lansingville section, that is known for its hard work and emphasis on education and opportunity, became not only an attorney but the top legal adviser of a neighboring county. The Trumbull County citizens embraced Walter not because of his ethnic name, but because they recognized quality, class, and a determination of effort to "get the job done." And Walter did not let that confidence down. Because of Walter's service to Trumbull County, we all benefited. We all felt a little better about government and government service.

With his permission, as his Congressman and friend I will continue to rely on his wise counsel and sound advice. Walt, you are to be commended for your attention to detail and purpose. You have done a great job in balancing commitment to family, government, religion, and service to all who needed it.

For a job well done, thank you for being J. Walter Dragelevich.●

TO INTRODUCE THE CONTROLLED SUBSTANCES REGISTRANTS PROTECTION ACT OF 1984

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. HUGHES. Mr. Speaker, today I am introducing H.R. 5105, the Controlled Substances Registrants Protection Act of 1984. The Subcommittee on Crime held hearings last spring on the problem of robbery and burglary of controlled substances from persons who manufacture, distribute, or dispense controlled substances who are registered with the Drug Enforcement Administration. According to Drug Enforcement Administration statistics, in 1982 there were close to 3,900 burglaries and robberies from retail pharmacies, hospitals, physicians, veterinarians, podiatrists, drug manufacturers, and drug wholesalers. There were close to 6,000 such crimes annually between 1977 and 1981.

As a consequence of these crimes, enormous quantities of controlled substances are diverted to the black market and the lives of thousands of pharmacy employees and customers are endangered. Many pharmacies, to deter these crimes, have discontinued carrying many of the commonly sought, but medically necessary controlled substances. This has a serious potential to impede the delivery of health care in many communities around the Nation.

The testimony before the subcommittee also made clear that the limited investigative and prosecutorial resources of the Federal Government precluded an attempt to investigate all of these cases. In most cases, the perpetrator of a robbery or burglary, which is of course a very serious crime under State law, is already known to the local police or their informants. The investigation of these cases routinely can best be accomplished by State and local authorities.

The subcommittee received testimony about major cases that involve interstate travel, that involve very large quantities, and that involve

death or serious bodily injury which warranted Federal assistance.

I have developed a bill that will provide for Federal investigation and prosecution of those major cases which warrant Federal intervention but will not overly tax the scarce Federal resources.

The Controlled Substances Registrant Protection Act provides for a 20-year prison sentence and a $25,000 fine for robbery or burglary of controlled substances from a registrant under three circumstances: First, if the replacement value of the controlled substances stolen is $1,000; second, if the offender traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate the offense; or third, if any person—other than the offender—is killed or suffers serious bodily injury as a result of the offense.

The bill provides that if any person is killed in the commission of the offense, a sentence of life imprisonment may be imposed.

The Subcommittee on Crime has scheduled a markup of this bill for Thursday, March 15, 1984, at 10 a.m. in 2141 Rayburn House Office Building.●

THE 72D ANNIVERSARY OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mrs. SCHNEIDER. Mr. Speaker, I invite my colleagues to join me today in commemorating the 73d anniversary of the Girl Scouts of the United States of America (GSUSA). As a former Girl Scout, I am proud to have been associated with this fine program.

In the years since Juliette Gordon Low organized the first group of girls on March 12, 1912, the Girl Scouts of the U.S.A. has grown to become the largest voluntary organization for girls and women in the world. Today, one out of every nine girls in the United States enjoys the challenge, fun, and learning provided by the Girl Scout experience. Girl Scouting offers its members a chance to develop their potential, to make friends, and to become a vital part of their community. Each year, girls from every segment of American life are introduced to the excitement in the worlds of science, the arts, the outdoors, and community service. They develop skill and self-confidence; they have fun and they acquire understanding about themselves and others.

While most of us associate Girl Scouting with camping and merit badges, it is important to recognize that the GSUSA not only addresses the current interests of its members, but prepares them for meaningful lives as women. Since the Girl Scout program was redesigned and updated in 1980, increasing emphasis has been placed on youth leadership and recognition. Last year, for instance, GSUSA brought 106 Girl Scouts and their leaders to Washington to explore the nature of leadership in Government and business. They learned about the inner workings of Washington institutions and assessed their own leadership skills. These outstanding young women met with representatives of professional associations to discuss the importance of women's networks and support groups, and with Members of Congress in a workshop on the legislative process.

Even that American institution, the Girl Scout cookie sale, has evolved to meet the changing role of women in our society. While yesterday's salesgirls did most of their business door to door, some Girl Scouts today are using computers to tackle their inventory and to help reconcile orders with receipts. Some Scout leaders have turned the annual cookie sale into an exercise in money management; at least one Girl Scout troop took the initiative of selling cookies in bulk to banks, hotels, and corporations and then invested its share of the sales net in a money market fund.

For 72 years, Girl Scouting has met the challenges of a changing society. Yet despite its outward changes, the goal remains the same—to help girls grow. Today, we salute these young women as Girl Scouts; they represent the future of our Nation.●

SALUTING EMILY P. FLINT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. MARKEY. Mr. Speaker, I want to call to my colleagues attention the retirement of a valuable public servant, Emily P. Flint. Mrs. Flint has given 30 years of distinguished service as a library trustee. Her contributions to the library and to the city of Medford include guiding to completion a new library building, representing numerous library budgets to city council, and supporting the total library program through her position as trustee.

Mrs. Flint's contributions to the Atlantic Monthly and the Peabody Museum at Harvard University establish her as one of America's greatest women of letters. Her contributions to the literary world and her service on several civic organizations indicate her willingness to serve society. I am proud to have such a distinguished library official in my district, and her talents will be missed by the community.●

GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. NATCHER. Mr. Speaker, the week of March 11-18 commemorates the 72d anniversary of the Girl Scouts of the United States of America and it is a pleasure for me to pay tribute to such a fine organization at this time.

Juliette Gordon Low organized the first group of girls on March 12, 1912, in Savannah, Ga. Since that time, Girl Scouts of the United States of America has become the largest voluntary organization for girls in the world. Girl Scouting provides an opportunity for all girls ages 6 to 17—or grades 1 to 12—to develop their potential, to make friends and become a vital part of their community. Today there are 2,281,000 girls in 4 program levels of the Girl Scouts—Brownie, Junior, Cadette, and Senior Girl Scouts—and 607,000 adult members serve as volunteer leaders, consultants, board members, and staff specialists.

On the national level 1983 was a busy year for the Girl Scouts. Legislation was passed to name the Federal office complex in Savannah, Ga., in honor of Juliette Gordon Low and construction is now underway. A conference entitled "Women of History: Women of Color, Past, Present, Future" was held in December at the Edith Macy Conference Center. Camp of Tomorrow is being developed, which will help Girl Scouting as it moves closer to leading outdoor education in the United States. And the Girl Scouts joined other groups in supporting the Drunk and Drugged Driving Awareness Week in December 1983.

In my home State of Kentucky, the Girl Scouts continue to be active in their community. The Kentuckian Girl Scout Council sponsored such activities as day camps, Brownie no-bake and grand bake programs, the fifth annual sleep-in at Greenwood Mall—used as membership registration incentive—along with a festival of arts which was hosted in conjunction with the Capitol Arts Theatre, Community Education, and Western Kentucky University in Bowling Green. I am particularly proud of the Girl Scouts of the Second District of Kentucky and wish them success in all their future endeavors.

Mr. Speaker, at this time I offer the Girl Scouts my best wishes, along with my pledge of continued support.●

IN SUPPORT OF H.R. 4909

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. GARCIA. Mr. Speaker, on February 22, Congressman ROYBAL introduced a bill, H.R. 4909, as an alternative Immigration Reform Act. This legislation, which was cosponsored by five members of the Congressional Hispanic Caucus along with a number of other Members of this body, represents the culmination of a great deal of work by the caucus and its supporters in devising an immigration bill that both deals with our Nation's immigration problems and reflects our concerns with existing legislation.

There are no easy compromises on this issue. It is one of the most difficult and sensitive subjects confronting Congress. H.R. 4909 attempts to bridge the gap between what is equitable for all Americans and what needs to be done to handle our Nation's immigration problems.

There are no employer sanctions in this bill. There is no national ID system or expanded H-2 program. There is a workable legalization program, and a provision in the bill that would set up a national commission on immigration to review, among other things, the foreign policy aspect of immigration reform.

This bill is not an attempt to obstruct genuine immigration reform. It is, instead, an attempt to present another perspective on this issue, to offer an alternative to those who have not been able to support other legislative proposals dealing with immigration reform.

I believe H.R. 4909 is a good bill, and it is, therefore, worthy of my colleagues' consideration. I urge you all to take a long, hard look at H.R. 4909. It may be the answer to our Nation's immigration problems.●

STAMPING OUT SEX DISCRIMINATION TAKES ACTION AND RESOLVE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. BILIRAKIS. Mr. Speaker, it is not often we in Congress get a real opportunity to practice what we preach, but two recent events have presented us with just that kind of chance to respond.

First, the U.S. Supreme Court, ruling in the Grove City College case, decided that title IX of the education amendments of 1972 should be applied in the narrowest possible sense.

Title IX prohibits sex discrimination by an educational institution that receives Federal funds. Congress, in several votes over the past years, including one last year on a resolution I cosponsored, reaffirmed its intent that discrimination against women in any program or activity sponsored by the educational institution would result in the loss of Federal funds to that institution. The court, in its ruling last week, said only that program or activity would be ineligible for Federal money, and not the entire school.

This decision clearly reverses the intent of the Congress. Thus, I have joined in introducing new legislation that again would insure the broadest interpretation of title IX of the education amendments of 1972. We have made strides in guaranteeing equality for women in educational institutions and we must not regress.

The second event, which has received little notice by the public, concerned the funding for the operation and salaries of congressional committees. Historically, the House has exempted itself from the equal pay and equal employment opportunity laws it has imposed on the public and private sectors; thus the referral to the Congress as the "last great plantation." Statistics brought out during consideration by the House of the committee funding resolution clearly indicate that the majority party, through its committee chairmen, practice extensive discrimination against women when it comes to staffing the various congressional committees.

While it is true that some committee staffs have a more equal representation of men and women, many do not even begin to approach equality. What is more, women hold a higher percentage of the lower level jobs. More than 80 percent of the staff jobs that pay less than $20,000 a year are held by women, while men hold 75 percent of those staff jobs that pay more than $40,000 a year.

Unfortunately, the funding resolution bill passed and as I analyzed the vote tally it was apparent that most of those who supported passage are the same ones that articulate their support of the equal rights amendment. One can only conclude that lip service is being paid to equal rights and equal opportunity by the same people who actively discriminate in hiring women for high paid committee staff positions. They are certainly not practicing what they preach.

Clearly, Congress, including the majority party and the committee and subcommittee chairmen, have a responsibility to follow the spirit of the law when it comes to sexual discrimination. If they do not, what is the point of it all? For these reasons, I voted against the funding resolution for the congressional committees.●

TO HONOR JIM VERDIECK, TENNIS COACH AT THE UNIVERSITY OF REDLANDS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. LEWIS of California. Mr. Speaker, I would like to take this opportunity to recognize the efforts of Mr. Jim Verdieck. He will be honored at his retirement banquet, April 6 and at an alumni tennis clinic and reception, April 7, 1984.

Mr. Verdieck has been a coach at the University of Redlands since 1946. In his capacity as head football coach, in 1956 he led his team to the only undefeated and untied football season in the history of the university.

Coach Verdieck has distinguished himself and brought honors to the university through his efforts in the field of tennis. He became head tennis coach in 1946 and has had an outstanding record. Since 1950 his teams have won 342 matches in the Southern California Intercollegiate Athletics Conference. In total his teams have had 907 victories. His division III teams have won 14 National NAIA or NCAA championships, 13 of these titles have been won since 1965.

Mr. Verdieck was named the NAIA National Tennis Coach of the Year in 1972, 1980, and 1982. In 1972 he was elected to the NAIA Tennis Hall of Fame, one of only two coaches to ever receive this honor. In addition to his other honors, he was selected as head tennis coach for the U.S. Team in the World University Tennis Games held in Moscow in 1973. This honor was given by the U.S. Collegiate Sports Tennis Committee and is truly a highlight of his career.

Coach Verdieck and his wife are the parents of four children. Both of his sons share his interest in the sport and are pros. In addition to rearing his own children and developing their interest in tennis, he has also been instrumental in helping other young people. He was a founder of the Redlands Racquet Club junior development tennis program and junior sanction tournament. Mr. Jim Verdieck serves as an excellent example of those men and women in the field of sports who provide a role model to the youth of this country.

And Mr. Speaker, I take great pride in commending to my colleagues, Coach Jim Verdieck, a truly dedicated man who has, through selfless years of hard work, contributed to his school and community in a most beneficial way.●

THE 1984 QUESTIONNAIRE RESULTS FOR THE SIXTH DISTRICT OF MARYLAND

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mrs. BYRON. Mr. Speaker, I take this opportunity to thank everyone of my constituents who responded to my annual questionnaire. As the representative of 527,000 people in Congress, it is sometimes hard to know what they think about certain issues. This survey is invaluable to me in gaging the sentiment of the district, and it is also an excellent medium for allowing citizens to express their concerns.

About 10,000 responses were received from throughout my district on questions regarding reducing the Federal deficits, an immediate freeze on overall Federal spending, nuclear weapons negotiations, natural gas pricing, education aid, and Federal workers.

The results indicate that my constituents oppose an increase in personal income taxes, favor an immediate freeze on overall Federal spending, and favor increased State and local aid to education while opposing increased Federal aid. Listed below are some of the survey results, and the complete results will be published in my March newsletter.

Mr. Speaker, as we prepare to move into extended debate on these issues, I thought it most appropriate to call the results to the attention of my colleagues. The current totals on six of the issues follow.

RESULTS OF REPRESENTATIVE BEVERLY BYRON'S 1984 QUESTIONNAIRE

[All results are in percentages]

	Yes	No	Undecided
1. The Federal deficit for this year is estimated at $200 billion. There is a consensus that this must be reduced if the economy is to improve, but no consensus on how to do it. Which of the following do you feel is an effective way to significantly reduce the deficit?			
A. Income tax increases	27	66	7
B. Corporate tax increases	58	33	9
C. Spending cuts in social programs	60	34	6
D. Spending cuts in entitlement programs	62	23	15
E. Spending cuts in military programs	62	31	6
2. Do you favor an immediate freeze on the overall level of Federal spending?	65	26	9
3. Do you believe that serious efforts are being held to negotiate for immediate significant reductions in nuclear warheads?	33	54	13
4. Congress has been debating proposals dealing with controls over natural gas pricing. Do you feel that:			
A. The Federal Government should extend its control over the price of natural gas?	41	49	10
B. The price of natural gas should be subject to the supply and demand of the marketplace?	69	20	10
5. The quality of education in America has come under serious scrutiny recently. Do you support the following measures as means to improve public education?			
A. Increased Federal aid to education	35	57	7
B. Increased State aid to education	57	36	7
C. Increased local aid to education	59	33	8
6. Considering such factors as pay raises, working conditions, employment policies, and any others, do you think Federal workers are treated fairly?	79	15	5

●

PROJECT HEAVY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. BERMAN. Mr. Speaker, Project Heavy (Humanitarian Efforts Aimed at Vitalizing Youth) San Fernando Valley, will hold its third annual Youth Humanitarian Award Dinner on March 29, 1984. It is a fitting occasion to memorialize the very special community services performed by this unique organization. Project Heavy was incorporated in 1975 as a private nonprofit corporation, operating a comprehensive youth service delivery network in the San Fernando Valley.

The delinquency prevention program's objective seeks to reduce juvenile delinquency by providing alternatives to the young persons who are first- or second-time offenders, or who are considered predelinquent. Part of the national effort to reduce unemployment, Project Heavy's Private Industry Council program is a vocational training program linking major industries in the San Fernando Valley and the school system. The CETA title II-B program utilizes work experience and on-the-job training in many different types of employment opportunities; it specializes in high demand areas where young people are assured future employment. The juvenile justice delinquency prevention program funds agencies to place young people in jobs, and provides other important services.

Project Heavy's diversion program offers humane, constructive alternatives to the criminal justice system for young people and adults considered predelinquent or in trouble with the law. Its network rehabilitates through individual programs designed to answer specific needs of youths in the areas of jobs, education and counseling. Aside from the social aspects of the program, the average cost of aid when antisocial behavior is first displayed is small compared to the high price of imprisonment later.

The board of directors, made up of residents in local communities who represent elected officials at the local and Federal level, sets priorities and goals for Project Heavy. A small administrative staff directs the program and insures a low administrative cost, while 90 percent of the funds reach the young people the project was designed for. Project Heavy is an excellent example of a program that provides an important social service, is cost-effective and responsive to its community.●

HAS THE UNITED STATES SUPPRESSED INFORMATION ABOUT SALVADORAN DEATH SQUAD ACTIVITY?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. HAMILTON. Mr. Speaker, on February 3, 1984, the New York Times reported that Ambassador Robert E. White, former U.S. Ambassador to El Salvador, had accused the Reagan administration of "deliberately ignoring specific and detailed information about six Salvadoran exiles living in Miami" who, Mr. White said, "have been directing the actions of death squads in their home country." I was concerned about these charges and sent a letter about them to Secretary of State George P. Shultz. The correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 7, 1984.

Hon. GEORGE P. SHULTZ,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Ambassador Robert E. White, former U.S. Ambassador to El Salvador, was reported in the New York Times of February 3, 1984 to accuse the Reagan Administration of "deliberately ignoring specific and detailed information about six Salvadoran exiles living in Miami" who, Mr. White said, "have been directing the actions of death squads in their home country."

Ambassador White also asserted that the Administration had known for "three years before that Roberto d'Aubuisson planned and ordered the assassination" of Archbishop Oscar Arnulfo Romero. He further claims that this information about the Archbishop's assassination and death squad activities had been "reported to Washington" by State Department cable in 1981 but "over the past three years, the Reagan Administration has suppressed the facts."

First, Mr. Secretary, I would like to know whether these charges concerning death squad activity and suppression of information are true. If they are true, what actions are the FBI taking and what are we saying to Salvadoran officials about them? Did you raise these issues with Salvadoran officials during your recent visit to that country? In particular, did you discuss these issues with Mr. d'Aubuisson?

I would appreciate a prompt reply to this letter.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, D.C., March 5, 1984.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am pleased to reply to your letter to Secretary Shultz, dated February 7, 1984, in which you express concern about charges made by former Ambassador Robert White. He alleges the State

Department has been suppressing information about U.S. resident Salvadoran expatriates' involvement in death squad activities and about Roberto D'Aubuisson's supposed complicity in Archbishop Romero's murder in 1980.

Ambassador White's charges are incorrect. Information developed by our Embassy in San Salvador about these expatriates' activities was sent in January 1981 to the Federal Bureau of Investigation along with a request to prosecute if violations of federal law were discovered during its investigations. The FBI in early 1981 interviewed Ambassador White, among others, but no prosecution resulted from this investigation. In late 1983 we requested the Department of Justice to investigate the "Miami connection" once again. The Department of State is unable to comment on these investigations though the Department of Justice may be able to do so.

The Administration is not suppressing information concerning the alleged involvement of Roberto D'Aubuisson in Archbishop Romero's assassination. The cables Ambassador White referred to were shared with the House Foreign Affairs Committee in May 1983 and are in the Committee's files if you wish to read them.

The Secretary discussed the Salvadoran death squads and the need to continue efforts to break them during his January 31 visit to El Salvador, as did the Vice President in December. The Administration is committed to doing everything we can to assist the Government of El Salvador's efforts to improve the overall human rights situation and to end the depredations of the death squads. These goals include investigating and prosecuting individuals in the United States who may be funding or directing these terrorist activities.

Sincerely,

W. TAPLEY BENNETT, Jr.,
Assistant Secretary,
Legislative and Intergovernmental Affairs.●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Tuesday, March 6, 1984. Had I been present, I would have voted:

"Yea" on rollcall No. 37, approving emergency food assistance for the drought-stricken region of Sub-Saharan Africa; and

"No" on rollcall No. 39, an amendment to H.R. 3648, the Amtrak Improvement Act, which would have deleted language in the bill requiring congressional approval for the sale of Conrail and replaced it with language allowing Congress 60 days to enact a joint resolution of disapproval against the sale.●

A-76 CONTRACTING OUT ACTION JEOPARDIZES THE NATIONAL PARK SERVICE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. DOWNEY of New York. Mr. Speaker, I would like to take this opportunity to comment on the A-76 contracting out action sought by the Department of the Interior for the National Park Service under guidelines established by the Office of Management and Budget (OMB). This action not only threatens the jobs of these employees but jeopardizes the future integrity of the lands and sites which the National Park Service is charged to oversee.

Briefly, the administration is endeavoring to transfer various governmental functions performed by Federal workers to the private sector. To save Federal dollars in the face of a $200 billion deficit is certainly commendable, but to cut costs at the expense of the lands and waters of our national park system is irresponsible and contrary to public interests. In a 1982 study by the Congressional Budget Office, it was determined that in the first year of A-76 action, outlays for nondefense agencies affected by such action would actually increase by $15 million. More specifically, the multiplicity of functions performed by park workers defeats the notion of saving money through the use of one private contractor. If the Department of the Interior believes that individual businesses exist that will repair walkways, perform dune maintenance, paint buildings, fix broken toilets, or carry out the other responsibilities of a Fire Island maintenance person, the Department has little understanding of the operation of their own parks and the services available from the private sector.

The men and women responsible for the maintenance and regulation of the natural and historic resources within our national parks take great pride in their jobs. Many have devoted long years of service to the National Park Service and now face an unfair and uncertain future.

Is this just another instance in which the administration plods along making mismanaged and insensitive policy? A commonsense and foresight is all one needs to see that A-76 action for the Park Service is not a good idea.●

AID TO SOMALIA

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. WILSON. Mr. Speaker, on January 30, 1984, Ethiopian planes bombed and destroyed 70 buildings, including schools, in the town of Borama, Somalia. According to Somali estimates, over 70 people were killed—most of them school students—with over 100 people injured. This bombing attack was the third Ethiopian attack upon Somalia territory since July 1982. The first two were ground attacks, and the Ethiopians still control two Somali towns.

This naked aggression again proves the true nature of the Marxist-Lenist regime in Addis Abbaba under Colonel Megitsu. While many of my liberal colleagues harbor subconscious hopes that he can be coaxed back into the pro-Western or neutral fold, this obviously is not the case. He recently expelled four of our diplomats from Addis Abbaba on the trumped up charges that they were trying to overthrow his regime, which is basically propped up by the Cubans at Debre Zelt near Addis Abbaba. These 4,000 Cubans have the most modern weapons and training available to save him from a coup.

Recently, the foreign minister of Somalia visited Washington, D.C. to try and encourage the United States to send additional aid to Somalia. The Somalia Government has proven itself over and over again and has been a staunch friend of the United States since 1980. This strategically important country needs our support and commitment for more military equipment to resist the aggression from Ethiopia.

At this time, the Ethiopians control the Ogaden, an area where at least 2½ million Somalis are living, while 2 million more are refugees in Somalia or the Republic of Djibouti. Those who returned from Djibouti to the Ogaden under the false promises of the Addis Abbaba Government, are now trekking back to their former place of refuge. The Ethiopians would not supply food or any other type of assistance.

This year, the administration is requesting the same levels of assistance as fiscal year 1984. At that time, the Congress cut some of the military assistance funds for Somalia. It is my hope that the full amount can be approved by the Congress this year. If anything, the $40 million military assistance program (MAP) is inadequate for the Somali armed forces, which are about 25 percent the size of the Ethiopian army and are in need of extensive modernization. Somalia also has huge economic development and foreign ex-

change needs. Since 1983, they have been cooperating with the World Bank and International Monetary Fund to reconstruct an economy devastated by the 1977-78 war and the influx of 2 million refugees.

I welcome the increase in assistance for this strategically located country. Somalia not only provides us with air and port facilities, but can keep the Horn of Africa accessible in times of war or international crisis.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 13, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 14

9:00 a.m.

Appropriations

Business meeting, to mark up House Joint Resolution 492, making urgent supplemental appropriations for fiscal year ending September 30, 1984, for African food aid assistance.

SD-192

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.

SD-116

Labor and Human Resources

To hold hearings on the nomination of Francis X. Lilly, of Maryland, to be Solicitor, Department of Labor.

SD-430

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Communications Commission, District of Columbia courts, and the U.S. Courts of Appeals.

S-146, Capitol

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To hold hearings on S. 1770, to extend the lease terms of Federal oil and gas lease numbered U-39711.

SD-366

Judiciary

To hold hearings on S. 40, to place restrictions on the retail sale of motor fuel by refiners and dealers.

SD-226

Judiciary

Security and Terrorism Subcommittee

To hold oversight hearings on the activities of the Federal Bureau of Investigation, Department of Justice.

SD-562

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 2085, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers, H.R. 3960, to designate specified lands in North Carolina as wilderness and wilderness study areas as additions to the National Wilderness Preservation System, H.R. 4198, to designate certain lands in the State of Vermont for inclusion in the National Wilderness Preservation System, H.R. 3921 and S. 1851, bills to establish additional wilderness areas in the White Mountain National Forest in New Hampshire, and H.R. 3578 and S. 1610, bills to establish certain wilderness areas in Wisconsin.

SR-328A

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Executive Office of the President, and the Advisory Commission on Intergovernmental Relations.

SD-124

Armed Services

To hold open and closed hearings on the national security implications of Soviet noncompliance with their arms control commitments.

SR-222

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold oversight hearings to review U.S. Coast Guard polar icebreaking operations.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.

SD-406

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.

SD-430

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-192

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Inspector General, Agency for International Development, General Accounting Office, and the Inter-American Foundation.

S-126, Capitol

Armed Services

Closed meeting, to review those items in the President's budget for fiscal year 1985 which fall within its legislative jurisdiction, with a view toward making its recommendations thereon to the Committee on the Budget.

SR-222

Judiciary

To hold hearings on pending nominations.

SD-226

2:30 p.m.

Armed Services

Sea Power and Force Projection Subcommittee

To hold closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on U.S. Naval strategy.

SR-232A

MARCH 15

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies, Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including vocational and adult education, education for the handicapped, and rehabilitation services and handicapped research.

SD-116

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Architect of the Capitol.

S-128, Capitol

Judiciary
Business meeting, on pending calendar business.
SD-226

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the Child Nutrition Act (Public Law 89-642), focusing on the special supplemental food program for women, infants, and children (WIC).
SR-328A

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on spare parts procurement and acquisition management.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Multilateral Development Banks.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Civil Aeronautics Board.
SD-124

Armed Services
Preparedness Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on the readiness, operation, and maintenance programs of the Navy.
SR-222

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on restoring classroom discipline in public schools.
SD-430

Select on Indian Affairs
To hold hearings on S. 1979, to confirm and define the boundaries of the Southern Ute Indian Reservation in Colorado, and H.R. 3376, to declare that all Federal right, title, and interest in specified lands are held in trust by the United States for the Makah Indian Tribe, Wash., and to declare such lands be a part of the Makah Indian Reservation.
SD-538

1:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold oversight hearings on the activities of the Commodity Futures Trading Commission.
SR-328A

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Treasury.
SD-124

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Export-Import Bank.
S-126, Capitol

Judiciary
To hold hearings to review current merger activity.
SD-106

Judiciary
Constitution Subcommittee
Business meeting, to mark up S.J. Res. 5, proposing an amendment to the Constitution of the United States relating to Federal budget procedures.
SD-226

Select on Indian Affairs
To hold hearings on S. 2184, authorizing funds for fiscal years 1985, 1986, and 1987 to strengthen tribal governments and to promote economic and social self-sufficiency of native Americans.
SD-538

MARCH 16

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on proposed budget request for fiscal year 1985 for conservation and renewable energy programs of the Department of Energy.
SD-366

Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax proposals, including S. 146, S. 1332, S. 1768, S. 1809, and S. 2080.
SD-215

Special on Aging
To hold hearings to review physician payment options under medicare.
SD-628

10:00 a.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 2299, to prohibit fraudulent acts in connection with the offer or performance of adoption services, prohibit the payment of compensation over and above expenses for adoption services performed, and provide for civil remedies in the U.S. district courts for adoptive parents and birth mothers who are defrauded.
SR-325

MARCH 19

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Government Financial Operations, Bureau of the Public Debt, Bureau of the Mint, and U.S. Savings Bonds Division, all of the Department of the Treasury, and the Office of Personnel Management.
SD-124

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, and educational research and training activities overseas.
SD-116

9:30 a.m.
Environmental and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Judiciary
Constitutional Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, focusing on the impact of the amendment on social security.
SD-226

Labor and Human Resources
Labor Subcommittee
To hold hearings on termination of overfunded defined benefit pension plan and reversion of assets to plan sponsors.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Peace Corps.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmenal Protection Agency.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Labor and Human Resources
*Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act, and proposed legislation authorizing funds for programs of the Adult Education Act.
SD-562

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
S-126, Capitol

2:00
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Navajo Hopi Relocation Commission, and the Institute of Museum Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of the Treasury, U.S. Postal Service, and general government programs.
SD-124

Armed Services
Military Construction Subcommittee
To hold joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for energy research programs of the Department of Energy.
SD-366

Select on Intelligence
Budget Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including special institutions, Howard University, the National Institute on Education, Education Statistics, Bilingual Education, and Libraries.
SD-116

Commerce, Science, and Transportation
To hold hearings on the nomination of William Evans, of California, to be a member of the Marine Mammal Commission.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings on activities of the Drug Enforcement Administration, Department of Justice.
S-407, Capitol

*Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold oversight hearings on the implementation of the food stamp program.
SR-328A

Appropriations
District of Columbia Subcommittee
To resume oversight hearings on activities of the District of Columbia Parole Board.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Federal Procurement, Office of Management and Budget, and the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Energy and Natural Resources
To hold oversight hearings to review the report of the Commission on Fair Market Value Policy for Federal Coal Leasing.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

10:30 a.m.
Rules and Administration
To hold hearings on S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals.
SR-301

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.
SD-192

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SD-126, Capitol

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1329, to provide financial assistance to States for wetlands conservation, focusing on sections 201 and 204, to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat.
SD-366

3:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, and the provisions of Public Law 480.
SD-192

MARCH 22

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold oversight hearings on employment and productivity in the future of the steel industry.
SD-628

Office of Technology Assessment
The Board to hold a general business meeting.
S-207, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1855, S. 1861, and S. 2292, bills to provide for continued access by the Federal Government to land remote sensing data from satellites (Landsat).
SR-253

Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Minerals Management Service, Department of the Interior, and the National Gallery of Art.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2217, to exempt segments of the Interstate Highway System from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act of 1982 if these segments are incapable of safely accommodating the larger vehicles.
SD-106

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on H.R. 3169, to require the establishment of a program to enhance commerce in renewable energy technologies.
SD-366

Labor and Human Resources
Education, Arts, and Humanities subcommittee
To hold hearings to review the educational needs of native Hawaiian children.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start programs.
SD-562

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds for lobbying by contractors and grantees.
SD-342

2:00 p.m.
Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
S-126, Capitol

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs and nuclear waste activities of the Department of Energy.
SD-366

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.
SD-138

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nomination of Adm. Donald D. Engen, to be Administrator, Federal Aviation Administration, Department of Transportation.
SR-253

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act, and proposed legislation authorizing funds for programs of the Adult Education Act.
SD-430

MARCH 26

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on nomination of Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting.
SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

2:00 p.m.
Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.
SR-428A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Labor and Human Resources
To hold oversight hearings on U.S. relations with the International Labor Organization.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Navy aircraft of the Department of Defense.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1947 and S. 2183, bills to designate certain lands in the Great Smoky Mountains National Park as wilderness.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Farmers Home Administration, Department of Agriculture.
SD-124

Appropriations
Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116
Commerce, Science, and Transportation
To hold hearings with the National Ocean Policy Study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.
SR-253
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SD-106

9:30 a.m.
Appropriations
Defense Subcommittee
To hold open/closed hearings to review SALT II violations.
SD-192
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, and the U.S. Information Agency.
S-146, Capitol
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2115, to exempt participants in the executive exchange program from the Federal Criminal Code provision prohibiting employees and officers of the executive branch from receiving outside income, and S. 2262, to establish a Federal pay schedule for the police forces of the Washington National Airport and Dulles International Airport.
SD-342

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service.
SD-138

MARCH 29

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.
SR-253
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.
SD-192
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior, and the Bureau of Mines, Department of the Interior.
SD-138
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard, Department of Transportation.
SR-253
Energy and Natural Resources
To hold oversight hearings on U.S. participation in the international energy program.
SD-366
Finance
Health Subcommittee
To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.
SD-215

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on daytime broadcasting issues.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.
SD-124
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the

Federal Aviation Administration, Department of Transportation.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (Family Planning).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.
S-146, Capitol

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development program.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

Veterans' Affairs
To hold hearings to review veteran's health programs.
SR-418

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.
SR-253

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for low-income energy assistance and Head Start programs.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 6

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.
SD-430

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of megnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries, and Expenses.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittees
To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.
SD-366

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.
SD-406

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1407, to provide procedures for the registration and licensing of motor vehicles when ownership is transferred in interstate commerce.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the strategic petroleum reserve and the naval petroleum reserves.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for programs of the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
S-407, Capitol

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearing on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.
SD-138

Environment and Public Works
To hold hearings to review the proposed refinancing of the Kennedy Center bonded indebtedness to the Department of the Treasury.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 30

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court, and the Arms Control and Disarmament Agency.
S-146, Capitol

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

MAY 2

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for veteran's health benefit programs.
SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the National Vaccine-Injury Compensation program as an elective alternative remedy to judicial action for vaccine related injuries.
SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. Territories.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

2:00 p.m.
*Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.
SD-138

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold hearings on veterans' compensation programs.
SR-418

MAY 15

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

MAY 23

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the interagency agreement between the Veterans' Administration and the Department of Defense, focusing on sharing and supply and procurement policies.
SR-418

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

CANCELLATIONS

MARCH 13

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 15

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizing funds for local rail service assistance programs of the Department of Transportation.
SR-253

APRIL 3

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430